



## **Daily Activity Planner for Tuesday, August 8**

### **Legislative Committees**

No legislative committees scheduled.

### **Agency Calendar**

Board of Building Appeals, ODOT District Three Office, 906 Clark Ave., Ashland, 8:30 a.m.

Third Frontier Commission, Rev1 Ventures, 1275 Kinnear Rd., Columbus, 10 a.m.  
House Speaker's Task Force on Alzheimer's and Dementia, Netzley Room, Statehouse, Columbus, 1 p.m.

### **Event Planner**

National Conference of State Legislatures Legislative Summit, Boston  
Sen. Bob Peterson (R-Sabina) and Sen. Troy Balderson (R-Zanesville) fundraiser, Mike and Samantha Hartley residence, 403 South Court Street, Circleville, 6 p.m., (\$1,000 Chair | \$500 Sponsor | \$250 Host | \$100 Supporter | \$75 per Couple | \$50 Individual to Peterson for Good Government and Troy Balderson for State Senator)

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**Volume #86, Report #151 -- Monday, August 7, 2017**

**Collective Bargaining Consultant Contract Gets Controlling Board Approval**

Controlling Board members on Monday approved a new contract for a Columbus law firm to do consulting work on collective bargaining issues after lawmakers asked about the job and procurement process for the contract.

Without objection, the board approved the \$480,000 contract between the Department of Administrative Services and Baker Hostetler, LLP. The firm will provide labor relations and collective bargaining consulting and negotiation services.

Sen. Charleta B. Tavares (D-Columbus) asked if the state was developing the internal capacity to handle labor issues and contracts without having to pay outside help.

Jennifer Leymaster, chief financial officer for DAS, said negotiations for large contracts often require outside assistance.

"It is customary for us to seek outside consulting services when doing the negotiation for these major contracts, as I believe is customary for organizations of our size," she said.

Kristen Rankin, deputy director for the DAS Office of Collective Bargaining, said the work fluctuates year-to-year as different contracts come up for renewal.

She said the state has been working with Baker Hostetler since 2014 and the firm has a good understanding of the state's labor relations.

Rep. Hearcel Craig (D-Columbus) asked about the increase in the value of the contract this year, up from about \$300,000 last year.

Ms. Rankin said the state is entering negotiations with its largest union this year, meaning there will be more work ahead.

The board also approved several contracts from the treasurer's office after Sen. Tavares asked for the reasoning behind waiving competitive selection.

Deputy Treasurer Seth Metcalf said all of the items were continuations of ongoing projects. In one case, the office did receive another bid, but it was significantly higher than the bid by the existing contract. That project involves custom-built software designed by the current contractor.

"We suspect that the additional bid was very high because the learning curve for a new provider would have been significant," he said.

The board approved a request for more than \$8.3 million over two years from DAS for a contract for postage funds. Rep. Andy Brenner (R-Powell) asked if other firms, such as Stamps.com, might be able to offer the state better rates.

Ms. Leymaster said firms like Stamps.com might not be able to handle the volume of mail the state sends out, but that DAS would look into it.

The board accepted a transfer of \$2.2 million from the Emergency Management Agency into its emergency fund, repaying the final payment of the money used to reimburse states that sent law enforcement to help at the Republican National Convention in Cleveland last year. The EMA said it has received reimbursement from Cleveland for all of the 18 states that assisted.

A request for \$605,961 from the Department of Developmental Disabilities to improve the fire alarm system at Cambridge Developmental Center was deferred.

Other items approved by the board included: (Agenda)

- \$534,000 - Central State University - for a library structural repair and modernization project.
- \$3.2 million - Clark State Community College - for renovation of Rhodes Hall.
- \$2.4 million - Columbus State Community College - for the Culinary and Hospitality School building project.
- \$226,275 - Department of Health - to purchase cystic fibrosis test kits.
- \$374,400 - Department of Mental Health and Addiction Services - for a contract for forensic psychiatric services at Summit Behavioral Healthcare in Cincinnati.
- \$1.2 million - Department of Developmental Disabilities - to contract with various providers for early intervention hearing services for children.
- \$1.1 million - Department of Natural Resources - for a contract amendment to provide construction administration and material testing at Buckeye Lake Dam.
- \$5.3 million - ODNR - to contract for improvements at a variety of state parks.
- \$749,510 - Department of Rehabilitation and Correction - to replace the roof at the Corrections Training Academy in Orient.
- \$53.6 million - Department of Transportation - for contracts with 52 consulting firms for a variety of services.

- \$212,154 - Bureau of Workers' Compensation - to renew a contract for IT services analyzing business processes.

### **Seitz Plans To Push For Passage Of Death Penalty Exemption Bill This Fall**

The sponsor of a bill to exempt the seriously mentally ill from the death penalty expects the measure to move in the fall.

The legislation (HB 81) would exempt from the death penalty those diagnosed with schizophrenia, schizoaffective disorder, bipolar disorder, major depressive disorder or delusional disorder at the time a capital offense was committed.



Bill Seitz

"I'm raring and ready to go as soon as we get back to try and move this forward in the House," sponsoring Rep. Bill Seitz (R-Cincinnati) said in an interview.

The bill has had three hearings in the House Criminal Justice Committee. Rep. Seitz said he was ready to move the measure prior to lawmakers leaving town for summer vacations, but he was told to hold off.

"We were really ready to go at the end of session back a month ago, but they wanted to keep controversial things off the radar screen as we focused all of our attention on the conference committee process and budget overrides and things like that," he said.

Chairman Sen. Kevin Bacon (R-Minerva Park) expressed uncertainty about the fate of the bill in the Senate Judiciary Committee. (See Gongwer Ohio Report, August 4, 2017)

But Rep. Seitz said he is confident about the bill's prospects in the upper chamber.

"All I can tell Senator Bacon is that when I had the bill the last time in that chamber, there were 31 of 33 senators ready to vote for it. Maybe he hasn't started counting noses yet," he said, adding that the two opponents of the last version of the bill are now serving in the House.

The bill has run into stiff opposition from the Ohio Prosecuting Attorneys Association. Executive Director John Murphy has said that current law already provides those suffering from mental illness with the opportunity to be deemed incompetent to stand trial or mount a not guilty by reasons of insanity defense. (See Gongwer Ohio Report, June 6, 2017)

Despite the opposition, Rep. Seitz does not believe the OPAA will be able to sink the bill.

"It's got an awful lot of support and the only people that have come out against it are the prosecutors and their reasoning doesn't satisfy me," he said. "They were opposed to it the last time on the same basis."

Given the state's recent resumption of the death penalty, Rep. Seitz believes the bill will gain even more traction. (See Gongwer Ohio Report, July 26, 2017)

"I think with all the recent furor over the resumption of executions in Ohio people ought to at least recognize this for progress in terms of narrowing the range of cases in which the death penalty may be imposed," he said.

The legislation is based off of one of several recommendations made by the Ohio Supreme Court's Joint Task Force to Review the Administration of Ohio's Death Penalty.

"The bottom line is this was a central recommendation of the death penalty task force," Rep. Seitz said.

### **Supporters Hope Palliative Care Measure Gains Traction After Recess**

Legislation first offered last year and introduced again in June intends to increase awareness and access to palliative care for patients with serious health conditions.

The bill (HB 286), sponsored by Rep. Sarah LaTourette (R-Chagrin Falls), would establish a state council to oversee palliative care and create programs to raise awareness and utilization of the approach.



Rep. LaTourette

It's a personal issue for the sponsor. Her father, former U.S. Rep. Steve LaTourette, received palliative care before his death last year from pancreatic cancer. (See Gongwer Ohio Report, August 7, 2017)

"I saw the dramatic difference that access to early palliative care had on his life and our lives," Rep. LaTourette said in an interview. "I want everybody in the state to be aware that palliative care is not just hospice care."

Rep. LaTourette first introduced the measure (HB603, 131<sup>st</sup> General Assembly) toward the end of the last General Assembly. It received a hearing before the House Health and Aging Committee. (See Gongwer Ohio Report, October 26, 2016)

The new version of the bill retains almost all of that proposal's components but does not include provisions that would levy fees or fines on hospitals that don't comply, she said. That has eased some concerns from industry groups, she said.

The move toward expanding the reach of palliative care is a priority for advocacy groups such as the American Cancer Society Cancer Action Network, who included the practice on their annual report card for state cancer policies. (See Gongwer Ohio Report, August 4, 2017)

Jeff Stephens, ACS CAN's state government relations director for Ohio, said the group is also working on similar legislation at the federal level.

"It's a form of treatment that's been proven to increase health outcomes at a reduced overall health care cost. It works," he said.

The bill would create an interdisciplinary advisory council at the Department of Health and create a set of criteria to identify patients who are best suited to the care approach.

"We do a pretty OK job of offering it in Ohio but we need to build the pipeline of professionals who are coming into to this treatment and we need to educate patients about what palliative care is," he said.

Mr. Stephens said it's important for providers to consider how different palliative care can look in different parts of the state. While it typically includes the treating doctor, a pharmacist, social workers, spiritual leaders and others who surround the patient with support, that team could look different in rural areas than it would in cities with access to wide varieties of professionals.

"We're all very hopeful there's going to be movement on that this fall," he said.

The proposal hasn't yet been assigned to a committee, but Rep. LaTourette said it will probably go through the House Aging and Long-Term Care Committee.

"My hope is that shortly after we come back for the fall that we start moving quickly," she said.

### **Long-Awaited Federal Study To Protect Great Lakes From Asian Carp Released**

A long-delayed federal plan to prevent Asian carp from entering the Great Lakes was released Monday after months of prodding from congressional delegates in Ohio and other states.

The report from the U.S. Army Corps of Engineers spells out \$275 million in proposals to upgrade the Brandon Road Lock and Dam in Illinois in order to shield the lakes from the invasive species.

Ideas in the report include electric barriers, flushing locks, water jets, and complex noise generation. If approved, the project has an estimated completion date of 2025, according to the report. Critics have argued the plan could impede commercial traffic in the region.

The 488-page report was originally slated for release in February, but was delayed by the Trump Administration. Democrats have contended that the decision to delay the report was political in nature. (See Gongwer Ohio Report, May 1, 2017)

"It is encouraging to see that the U.S. Army Corps' recommendations include serious measures to deal with this invasive species," U.S. Rep. Marcy Kaptur (D-Toledo) said in a statement. "Now that we have real information on costs we can move on and receive input from stakeholders, whose livelihoods depend on us keeping the Asian carp out of the Lakes."

Both she and U.S. Sen. Sherrod Brown (D-Cleveland) earlier this year introduced standalone legislation that would have forced the Trump Administration to make the study public. (See Gongwer Ohio Report, June 23, 2017)

"We are now one step closer to taking action to protect our Great Lakes from Asian carp," Sen. Brown said, "and I look forward to working with Sen. Portman and my other Great Lakes colleagues to turn this report into concrete actions that will benefit our Lakes."

The discovery of an Asian carp in June just nine miles from Lake Michigan added new urgency to the matter. It also prompted state officials to enter the fray, with Attorney General Mike DeWine writing late last month to the Department of the Army and saying the delay "in the face of this immediate threat is unacceptable." (See Gongwer Ohio Report, June 30, 2017)

There will now be a 45-day public review period for the draft report, ending Sept. 21. Comments will be accepted online, by letter and at public meetings yet to be scheduled.

U.S. Sen. Rob Portman (R-Terrace Park) said the lakes and the local economies they support must be protected.

"The Great Lakes support a \$7 billion fishing industry and Lake Erie contributes more than \$10 billion to Ohio's tourism industry, both of which would be jeopardized if Asian Carp were allowed into the Great Lakes," he said. "It is important that the Corps remain on schedule to finalize the plan by January of 2019, and I look forward to working with stakeholders and the Corps to do just that."

Environmental groups praised the release, with the Alliance for the Great Lakes, the Sierra Club, the Natural Resources Defense Council and several other groups issuing a joint statement.

"We look forward to reviewing the findings in detail and to continuing the conversation on this critical issue with elected officials and concerned citizens during the public comment period," the groups said. "The U.S. Army Corps of Engineers must listen carefully to public input on the study and then move quickly from study to implementation of additional protection measures at the Brandon Road Lock and Dam, a logical choke point in the system."

The Ohio Conservation Federation and its counterparts from Indiana, Michigan, Minnesota and Wisconsin issued a similar joint statement.

"After months of unnecessary delay, we are excited that the potential options for improving defenses against Asian carp at the Brandon Road Lock and Dam will see the light of day," they said. "There is still much work yet to be done in this process. We look forward to working towards securing stronger protections to keep Asian carp out of our Great Lakes."

### **Environmental Groups Question Rover Excuses For Fuel In Wetland Spills**

The company behind the Rover Pipeline project told federal regulators it believes it's possible traces of diesel fuel found in wetland spills earlier this year were planted by "malicious" opponents.

But environmental groups say the company is attempting to divert attention from Rover's actions and that increased security around the spill sites - by both the company and state regulators who were investigating the spills - renders the idea of sabotage "farfetched."

It's the latest back and forth between Rover Pipeline LLC, its parent Energy Transfer Partners, and advocates urging the Federal Energy Regulatory Commission to halt construction of the 700-mile pipeline that has been at the center of controversy for months.

In its most recent filing (PDF) before FERC, the company for the first time agreed with the Ohio Environmental Protection Agency's assessment that diesel fuel was present in millions of gallons of drilling mud spilled into Ohio wetlands at several sites earlier this year. (See Gongwer Ohio Report, June 2, 2017)

But Rover stopped short of accepting the blame, saying it "has no evidence that the diesel was the result of a spill or failed containment" experienced during its horizontal drilling and construction activity.

"This data alone, however, does not demonstrate that diesel fluid (or other petroleum hydrocarbons) entered the slurry as part of the HDD process or that there was a widespread impact," the company wrote.

"Rover theorizes that these diesel concentrations could have been caused by an inadvertent and unreported spill or leak from equipment operating during the clean-



up...or it could have been the deliberate or malicious act of individuals opposed to the project," the company continued. "Given the extensive inspection and oversight at this and other sites along the project, it is difficult to imagine that this occurred from an unreported spill or leak."

Cheryl Johncox of the Sierra Club's Beyond Dirty Fuels Campaign rejected that claim. She said in an interview that OEPA testing revealed fuel traces at several different sites.

"It's very unlikely somebody trying to sabotage the project would know where those sampling locations were," she said. "The other thing of note is this occurred on private property...(and) they were very actively patrolling that spill site and keeping people off. It's very unlikely somebody was able to access that area in order to sabotage the project."

Heather Taylor-Miesle, executive director of the Ohio Environmental Council, said the company's claims are the latest demonstration of the company's "lack of respect for Ohioans and our environment."

"Claiming they were sabotaged or framed without any evidence whatsoever is merely another attempt for Rover to deflect blame and avoid owning up to the consequences of their actions," she said. "We are taught in kindergarten to clean up after ourselves, and Rover should remember this important childhood lesson."

Regardless of how the fuel entered the slurry, the company said it is "deeply troubled by any of these potential scenarios and has taken steps to address these possible sources."

Those steps include reiterating to employees and contractors that all construction must adhere to the FERC certificate and other spill prevention and response procedures. Additionally, it will remind workers that secondary containment must be used for equipment working in or near wetlands and bodies of water and prompt notification is required for spills of hazardous materials.

In the event an outside agent introduced fuel to the situation, the company said it has increased security to oversee the Tuscarawas site and has "increased scrutiny of all personnel entering and leaving all HDD sites."

The filing comes one week after Kelcy Warren, CEO of Energy Transfer Partners, which is Rover's parent company, told federal lawmakers he was "baffled" by criticism of the company and allegations of rule violations from regulators and congressional Democrats following the spills.

### **Tavares Bill Aimed At Gender Pay Gap; Schiavoni Targets Charter Overpayments; Renacci, Pillich Announce Endorsements...**

Equal pay and charter school funding are the subjects of hot-button measures recently introduced by two Democratic lawmakers.

Sen. Charleta B. Tavares (D-Columbus) is behind legislation (SB 174) she dubbed the "Fair and Acceptable Income Required Act."

"It is shameful that in this day and age women in Ohio make only 78 cents for every dollar made by a man. Without question, equal work deserves equal pay," she said in a release announcing the bill. "At a time when women are increasingly responsible for the economic security of their families, it is absolutely critical to ensure that they earn a wage commensurate with their work - and on par with a man's."

The bill would require employers to substantiate pay differences, prohibit retaliation against workers who discuss salaries with colleagues and bar wage discrimination based on sexual orientation.

"While the Lilly Ledbetter Fair Pay Act of 2009 improved some laws that govern pay discrimination, more must be done to close the wage gap and increase the economic security of women," Sen. Tavares said. "Fair pay would help close the wage gap and increase women's economic security."

**Charter Overpayments:** A gubernatorial candidate meanwhile is touting a measure to require all money recovered from overpayments to charter schools to be returned to district from which it was deducted. It comes on the heels of the state's plans to claw back funding from the Electronic Classroom of Tomorrow over inflated enrollment data.

Sen. Joe Schiavoni (D-Boardman) said his legislation is expected to be introduced this week.

"Ohio schools are struggling to manage after several years of cuts to their funding. It's only right that the state should return all money taken from these schools in error," he said. "This bill is simple: it creates a uniform rule that all money overpaid to charter schools is sent back to the affected school districts."

**Endorsements Announced:** Other gubernatorial candidates continue to rack up endorsements.

U.S. Rep. Jim Renacci (R-Alliance) announced the backing of Julie Prince in his bid to replace Gov. John Kasich. She directed Ohio operations and grassroots for Ted Cruz's 2016 presidential campaign.

"In the 2018 gubernatorial race, there is one clear choice for conservatives across Ohio, and that choice is Jim Renacci. Time and again Jim has demonstrated his unyielding commitment to the conservative reforms we need, but which entrenched Columbus insiders have failed to deliver," she said. "Jim is not afraid to take on the establishment or the career politicians who continue to pay lip service to conservatism while perpetuating the status quo."

Added Rep. Renacci: "In her position as the Grassroots and Operations Director for Ted Cruz's presidential campaign in Ohio, Julie played an instrumental role in advancing the

causes of conservatism and liberty - not just for our state, but for our nation as a whole. I am proud to serve as a voice for conservatives across Ohio in this critically important election, and I am committed to delivering the conservative agenda and reforms we so badly need as our state's next governor."

Meanwhile, former Rep. Connie Pillich announced that she has the support of the Cincinnati Building Trades in her Democratic primary contest.

"Connie Pillich is the proven fighter we need as our next governor. Born in the shadow of a steel mill, Connie knows what we face every day," Cincinnati Building Trades Executive Secretary Fred Lampe said. "She has an unrivaled record of standing up for working families, higher wages, and working to create good jobs. Connie has proven herself as the Democratic frontrunner in the race for governor and the Cincinnati Building Trades is proud to have her back."

Added Ms. Pillich: "I'm proud to be endorsed by the Cincinnati Building Trades because I'll never stop fighting for working families, good jobs, and better wages for workers. With the wind at our backs, our people-powered campaign is building more momentum everyday as we work to take Columbus back from the special interests."

**Husted Appointment:** Secretary of State Jon Husted announced the appointment of Marcella R. Bogenrife to the Madison County Board of Elections.

She was recommended for the post by the Madison County Republican Party Executive Committee.

### **Casino, Racino Revenue Up Big In July**

The state's four casinos showed significant gains in revenue last month compared to June, and the racinos also saw a big uptick in what they took home.

The casinos brought in \$69.9 million in July, up from \$64.1 million the prior month and from \$66.1 million in July 2016, according to revenue reports released Monday by the Casino Control Commission.

Video lottery terminal revenue at the seven racinos totaled \$84.5 million for the first month of the fiscal year, up nearly \$6.5 million from where it was in June, the Ohio Lottery Commission reported.

Hollywood Columbus brought in the most money among casinos at \$18.9 million. That was up from \$17.7 million in June and just a bit above the \$18.6 million it brought in the previous July. The casino was highly dependent on slot machine revenue, with that accounting for \$13.5 million.

Hollywood Toledo also saw a big boost, rising to \$17.6 million from \$16.1 million the prior month. It was up more than \$1 million from \$16.5 million in July 2016. Like its sister

casino in Columbus, the Toledo location leaned heavily on slot machines, to the tune of \$14.8 million.

JACK Cleveland raked in \$16.9 million, up from \$15 million in June and \$15.5 million the previous July. The casino was the most balanced between slots and table games, with slots accounting for \$9.1 million and table games \$7.7 million.

JACK Cincinnati brought in \$16.7 million, up from \$15.4 million both in June and in July 2016. Slot machines accounted for \$10.7 million of the casino's take.

**Racinos:** Among the state's racinos, Hard Rock Racino-Northfield Park saw the largest gain from June to July, up \$2.7 million to \$22.3 million in revenue from VLT machines.

Scioto Downs was the second-biggest gainer, up \$1.25 million to \$14.25 million in July.

Hollywood Gaming Dayton Raceway was up \$643,130 to \$8.3 million, while JACK Thistledown was up \$605,814 to \$10.1 million.

Belterra Park's revenue was up \$529,680 over June's at \$7.4 million. Revenue at Miami Valley Gaming was up \$428,657 to \$12.4 million, and Hollywood Gaming Mahoning Valley Race Course gained \$300,155 to \$9.8 million.

### **Gongwer Statehouse Job Market Updated**

Gongwer's Statehouse Job Market has been updated. The update is available on the Gongwer website.

Subscribers interested in posting job openings on Gongwer's employment board can send job descriptions and other information to [gongwer@gongwer-oh.com](mailto:gongwer@gongwer-oh.com).

### **Supplemental Agency Calendar Wednesday, August 9**

State Emergency Response Commission, 2855 West Dublin-Granville Rd., Columbus, 1:15 p.m.

### **Supplemental Event Planner**

#### **Monday, August 21**

**OHROC Lake Erie Boat Cruise and Reception with Speaker Cliff Rosenberger (R-Clarksville), Rep. Steve Arndt (R-Port Clinton), and Rep. Bill Reineke (R-Fremont), Catawba Island Club, 4235 E. Beach Club Road, Port Clinton, 5:30 p.m., (5:30pm Arrive at Catawba Island Club; 6:00pm Depart on Burger Yacht "Gemini"; 8:00pm Reception. Sponsor: \$5,000; Host: \$2,500; Patron: \$1,000; Guest: \$500 to OHROC)**

#### **Sunday, August 27**

Rep. Theresa Gavarone (R-Bowling Green) shooting fundraiser, Nagle Trucking, 4520 Moline-Martin Road, Walbridge, 1:30 p.m., (Expert: \$250; Sharpshooter: \$100 to Citizens for Gavarone)  
**Wednesday, September 13**

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Rep. Mark Romanchuk (R-Mansfield) fundraiser, Little Palace, 240 S. 4th Street, Columbus, 5 p.m., (Chair: \$1,000; Host: \$500; Sponsor: \$350 to Romanchuk for State Rep)  
**Friday, September 15**

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Rep. Bob Cupp (R-Lima) golf outing fundraiser, Tamarac Golf Course, 500 N. Stevick Road, Lima, 9 a.m., (9:00am Registration; 10:00am Shotgun Start. Event Sponsor: \$1,000; Tee Sponsor: \$500; Foursome: \$400; Green Sponsor: \$350; Lunch Sponsor: \$250; Individual Golfer: \$125 to Cupp for State Representative Committee)  
**Wednesday, October 11**

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Speaker Cliff Rosenberger (R-Clarksville) fundraiser, Athletic Club of Columbus - Gold Room, 136 E. Broad Street, Columbus, 5 p.m., (Chair: \$2,500; Host: \$1,000; Sponsor: \$500 to Committee to Elect Cliff Rosenberger)  
**Wednesday, November 1**

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Rep. Craig Riedel (R-Defiance) and Rep. Kristina Roegner (R-Hudson) fundraiser, Due Amici, 67 E. Gay Street, Columbus, 11:30 a.m., (Chair: \$1,000; Host: \$500; Sponsor: \$350 to Citizens to Elect Craig Riedel and/or Kristina Daley Roegner for Ohio)  
**Wednesday, November 29**

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Ohio House Republican Organizing Committee fundraiser, Athletic Club of Columbus - Gold Room, 136 E. Broad Street, Columbus, 5 p.m., (Chair: \$2,500; Host: \$1,000; Sponsor: \$500 to OHROC)

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## Senate Activity for Monday, August 7, 2017

### INTRODUCED

**SB 175** ■ **COMMUNITY SCHOOLS** (Schiavoni, J.) Regarding public moneys returned to the state as a result of a finding for recovery issued pursuant to an audit of a community school. Am. 3314.52

**SB 176** ■ **MUNICIPAL TAXES** (Jordan, K.) To prohibit municipal corporations from levying an income tax on nonresidents' compensation for personal services or on net profits from a sole proprietorship owned by a nonresident. Am. 709.023, 718.01, 718.02, 718.03, 718.04, 718.05, and 718.16 and to repeal sections 718.011 and 718.50

### SENATE PRESIDENT'S APPOINTMENTS

Southern Ohio Agricultural and Community Development Foundation: Appoint Senator Joe Uecker and Senator Sean O'Brien

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**Is Your Workplace No-Recording Policy Too Broad?**

By Julie T. Bittner, Partner - West Des Moines

This summer the Second Circuit Court of Appeals dealt another blow to employers – this time related to employer no-recording policies. Whole Foods Market Group Inc. ("Whole Foods") appealed to the Second Circuit the decision of the National Labor Relations Board ("NLRB") finding that Whole Foods violated Section 8(a)(1) of the National Labor Relations Act ("the Act") by maintaining overbroad no-recording policies. *Whole Foods Mkt. Grp., Inc. v. NLRB*, Nos. 16-0002-ag, 16-0346, 2017 U.S. App. LEXIS 9638 (2d Cir. June 1, 2017).

Section 7 of the Act guarantees employees the right "to engage in . . . concerted activities for the purpose of collective bargaining or other mutual aid or protection." 29 U.S.C. § 157 It is an unfair labor practice for an employer to interfere with, restrain, or coerce employees in the exercise of the rights guaranteed Section 7.

When looking at an employer's rules to determine if an unfair labor practice occurred, the Court examines whether the rules would reasonably tend to chill employees in the exercise of their Section 7 rights. Even if a rule does not explicitly restrict protected activity, the NLRB has determined that the rule will constitute a violation if: (1) employees would reasonably construe the language to prohibit protected activity; (2) the rule was promulgated in response to union activity; or (3) the rule has been applied to restrict the exercise of protected rights.

Here, Whole Foods' no-recording policies prohibited all recording without management approval. Whole Foods' stated purpose for the policies was to promote employee communication in the workplace.

The NLRB found (and the 2nd Circuit agreed) that because Whole Foods' no-recording policies prohibited all recording without management approval, those policies prevented employees from engaging in activities that included: recording images of employee picketing, documenting unsafe workplace equipment or hazardous working conditions, documenting and publicizing discussions about terms and conditions of employment, or documenting inconsistent application of employer rules without management approval. Therefore, the policies as written could "chill" an employee's exercise of his or her Section 7 rights.

Employers need not immediately scrap their no-recording policies completely. They simply need to narrow the scope of the policies by placing some limits on recording audio and video in the workplace to ensure that the policies do not violate the Act. Consult with a MWH Law Group attorney to ensure that your policies (and Employee Handbook, in general) comply with the Act.

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**From:** MWH Law Group  
**Sent:** Monday, August 21, 2017 11:48 AM  
**To:** Rep48  
**Subject:** No-Recording Policies: Are you company policies too broad?

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*A publication of MWH Law Group, LLP*

[mwhlawgroup.com](http://mwhlawgroup.com)

= 9



= A

**Is Your Workplace No-Recording Policy Too Broad?**

By Julie T. Bittner, Partner - West Des Moines

This summer the Second Circuit Court of Appeals dealt another blow to employers – this time related to employer no-recording policies. Whole Foods Market Group Inc. ("Whole Foods") appealed to the Second Circuit the decision of the National Labor Relations Board ("NLRB") finding that Whole Foods violated Section 8(a)(1) of the National Labor Relations Act ("the Act") by maintaining overbroad no-recording policies. *Whole Foods Mkt. Grp., Inc. v. NLRB*, Nos. 16-0002-ag, 16-0346, 2017 U.S. App. LEXIS 9638 (2d Cir. June 1, 2017).

Section 7 of the Act guarantees employees the right "to engage in . . . concerted activities for the purpose of collective bargaining or other mutual aid or protection." 29 U.S.C. § 157 It is an unfair labor practice for an employer to interfere with, restrain, or coerce employees in the exercise of the rights guaranteed Section 7.

When looking at an employer's rules to determine if an unfair labor practice occurred, the Court examines whether the rules would reasonably tend to chill employees in the exercise of their Section 7 rights. Even if a rule does not explicitly restrict protected activity, the NLRB has determined that the rule will constitute a violation if: (1) employees would reasonably construe the language to prohibit protected activity; (2) the rule was promulgated in response to union activity; or (3) the rule has been applied to restrict the exercise of protected rights.

Here, Whole Foods' no-recording policies prohibited all recording without management approval. Whole Foods' stated purpose for the policies was to promote employee communication in the workplace.

The NLRB found (and the 2nd Circuit agreed) that because Whole Foods' no-recording policies prohibited all recording without management approval, those policies prevented employees from engaging in activities that included: recording images of employee picketing, documenting unsafe workplace equipment or hazardous working conditions, documenting and publicizing discussions about terms and conditions of employment, or documenting inconsistent application of employer rules without management approval. Therefore, the policies as written could "chill" an employee's exercise of his or her Section 7 rights.

Employers need not immediately scrap their no-recording policies completely. They simply need to narrow the scope of the policies by placing some limits on recording audio and video in the workplace to ensure that the policies do not violate the Act. Consult with a MWH Law Group attorney to ensure that your policies (and Employee Handbook, in general) comply with the Act.

*This article is a publication of MWH Law Group LLP and is intended to provide general information regarding legal issues and developments to our clients and other friends. It should not be construed as legal advice or a legal opinion on any specific facts or situations. For further information on your own situation, we encourage you to contact the author of the article or any other member of the firm.*

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**From:** John Sisson  
**Sent:** Wednesday, September 13, 2017 11:56 AM  
**To:** Rep48  
**Subject:** Please Oppose House Bill 298

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Kirk Schuring,

I am writing you today to ask that you oppose House Bill 298, legislation that will take away my right and the rights of many of your constituents to collectively bargain for a better life.

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making it harder for your constituents to collectively bargain for a better life and that you are opposed to House Bill 298.

Thank you for your consideration in this matter. I look forward to hearing your position on this terrible legislation. Have a great day.

John Sisson

johnsisson2112@gmail.com

1409 Perry Dr. S W

Canton, Ohio 44710

**From:** Marie Webster  
**Sent:** Wednesday, September 13, 2017 11:58 AM  
**To:** Rep48  
**Subject:** Please Oppose House Bill 298

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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Marie Webster  
mwebster@usw.org  
4069 Bradley Circle Nw  
Canton, Ohio 44718

**From:** Tim Miller  
**Sent:** Wednesday, September 13, 2017 12:26 PM  
**To:** Rep48  
**Subject:** Please Oppose House Bill 298

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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Tim Miller

[timmiller203@gmail.com](mailto:timmiller203@gmail.com)

2661 Wingate Way NW

Canton, Ohio 44708



**From:** Alisha Stekle  
**Sent:** Wednesday, September 13, 2017 12:42 PM  
**To:** Rep48  
**Subject:** Please Oppose House Bill 298

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Kirk Schuring,

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Alisha Stekle

[astekle@local18training.com](mailto:astekle@local18training.com)

2916 Denise Cir., SW

Canton, Ohio 44706

**From:** Della Clason Sperling  
**Sent:** Wednesday, September 13, 2017 12:45 PM  
**To:** Rep48  
**Subject:** Please Oppose House Bill 298

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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Della Clason Sperling  
dcsperling@gmail.com  
3632 Barrington Place, N.W.  
Canton, Ohio 44708-5931

**From:** Terry Grant  
**Sent:** Wednesday, September 13, 2017 4:45 PM  
**To:** Rep48  
**Subject:** Please Oppose House Bill 298

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Kirk Schuring,

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Terry Grant  
golfboyblues@gmail.com  
1811 Clearview NW  
Canton, Ohio Ohio 44708

**From:** Terry Goldinger  
**Sent:** Wednesday, September 13, 2017 5:46 PM  
**To:** Rep48  
**Subject:** Please Oppose House Bill 298

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Kirk Schuring,

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Terry Goldinger  
tergnmerg@aol.com  
8660 Colton st.  
Massillon, Ohio 44646



**From:** Daniel Seiple  
**Sent:** Wednesday, September 13, 2017 7:24 PM  
**To:** Rep48  
**Subject:** Please Oppose House Bill 298

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Kirk Schuring,

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Daniel Seiple

danbev22@neo.rr.com

1933 wynstone cir ne

north canton, Ohio 44720

**From:** Nicole Poston  
**Sent:** Wednesday, September 13, 2017 9:37 PM  
**To:** Rep48  
**Subject:** Please Oppose House Bill 298

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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Nicole Poston

nmpbrat@aol.com

3407 Tradewinds Cove NW

Canton, Ohio 44708

**From:** linda laris  
**Sent:** Thursday, September 14, 2017 11:19 AM  
**To:** Rep48  
**Subject:** Please Oppose House Bill 298

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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linda laris

llaris@neo.rr.com

203 Shaker Avenue Northwest

North Canton, Ohio 44720

**From:** linda laris  
**Sent:** Thursday, September 14, 2017 1:38 PM  
**To:** Rep48  
**Subject:** Please Oppose House Bill 298

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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linda laris

llaris@neo.rr.com

203 Shaker Avenue Northwest

North Canton, Ohio 44720



**From:** Rep48  
**Sent:** Thursday, September 21, 2017 3:19 PM  
**To:** 'llaris@neo.rr.com'  
**Subject:** RE: Please Oppose House Bill 298

Linda,

Thank you for contacting Representative Schuring's office. Representative Schuring greatly values the thoughts and concerns of his constituents as we are always looking for ways to improve Stark County and the state of Ohio.

I will be sure to pass along your message and views to Representative Schuring regarding House Bill 298. This is undoubtedly an important issue to many people throughout the state.

Again, thank you for contacting Representative Schuring's office and please do not hesitate to contact us regarding any other state related issues.

Best,

Abby

Abby Schafer  
Senior Legislative Aide  
Office of State Representative Kirk Schuring  
Speaker Pro Tempore  
77 South High Street, 14th Floor  
Columbus, OH 43215  
614-752-2438

---

**From:** linda laris [mailto:llaris@neo.rr.com]  
**Sent:** Thursday, September 14, 2017 1:38 PM  
**To:** Rep48 <Rep48@ohiohouse.gov>  
**Subject:** Please Oppose House Bill 298

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linda laris

[llaris@neo.rr.com](mailto:llaris@neo.rr.com)

203 Shaker Avenue Northwest  
North Canton, Ohio 44720

**From:** Rep48  
**Sent:** Thursday, September 21, 2017 3:20 PM  
**To:** 'nmpbrat@aol.com'  
**Subject:** RE: Please Oppose House Bill 298

Nicole,

Thank you for contacting Representative Schuring's office. Representative Schuring greatly values the thoughts and concerns of his constituents as we are always looking for ways to improve Stark County and the state of Ohio.

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Abby

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Senior Legislative Aide  
Office of State Representative Kirk Schuring  
Speaker Pro Tempore  
77 South High Street, 14th Floor  
Columbus, OH 43215  
614-752-2438

---

**From:** Nicole Poston [mailto:info@actionnetwork.org]  
**Sent:** Wednesday, September 13, 2017 9:37 PM  
**To:** Rep48 <Rep48@ohiohouse.gov>  
**Subject:** Please Oppose House Bill 298

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Nicole Poston  
[nmpbrat@aol.com](mailto:nmpbrat@aol.com)

3407 Tradewinds Cove NW  
Canton, Ohio 44708

**From:** Rep48  
**Sent:** Thursday, September 21, 2017 3:20 PM  
**To:** 'danbev22@neo.rr.com'  
**Subject:** RE: Please Oppose House Bill 298

Daniel,

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Office of State Representative Kirk Schuring  
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77 South High Street, 14th Floor  
Columbus, OH 43215  
614-752-2438

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**From:** Daniel Seiple [mailto:danbev22@neo.rr.com]  
**Sent:** Wednesday, September 13, 2017 7:24 PM  
**To:** Rep48 <Rep48@ohiohouse.gov>  
**Subject:** Please Oppose House Bill 298

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Daniel Seiple  
[danbev22@neo.rr.com](mailto:danbev22@neo.rr.com)



1933 wynstone cir ne  
north canton, Ohio 44720

**From:** Rep48  
**Sent:** Thursday, September 21, 2017 3:21 PM  
**To:** 'tergnmerg@aol.com'  
**Subject:** RE: Please Oppose House Bill 298

Terry,

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Office of State Representative Kirk Schuring  
Speaker Pro Tempore  
77 South High Street, 14th Floor  
Columbus, OH 43215  
614-752-2438

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**From:** Terry Goldinger [mailto:info@actionnetwork.org]  
**Sent:** Wednesday, September 13, 2017 5:46 PM  
**To:** Rep48 <Rep48@ohiohouse.gov>  
**Subject:** Please Oppose House Bill 298

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Terry Goldinger

[tergnmerg@aol.com](mailto:tergnmerg@aol.com)

8660 Colton st.

Massillon, Ohio 44646

**From:** Rep48  
**Sent:** Thursday, September 21, 2017 3:21 PM  
**To:** 'golfboyblues@gmail.com'  
**Subject:** RE: Please Oppose House Bill 298

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**Sent:** Wednesday, September 13, 2017 4:45 PM  
**To:** Rep48 <[Rep48@ohiohouse.gov](mailto:Rep48@ohiohouse.gov)>  
**Subject:** Please Oppose House Bill 298

Kirk Schuring,

I am writing you today to ask that you oppose House Bill 298, legislation that will take away my right and the rights of many of your constituents to collectively bargain for a better life.

House Bill 298 takes language straight from Senate Bill 5 dealing with sick time and tries to pass it as a standalone. Senate Bill 5/ Issue 2 was soundly defeated in 2011 by Ohioans who believe that collective bargaining shouldn't be restricted by politicians in Columbus.

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Thank you for your consideration in this matter. I look forward to hearing your position on this terrible legislation. Have a great day.

Terry Grant  
[golfboyblues@gmail.com](mailto:golfboyblues@gmail.com)

1811 Clearview NW  
Canton, Ohio Ohio 44708

**From:** Rep48  
**Sent:** Thursday, September 21, 2017 3:22 PM  
**To:** 'dcsperling@gmail.com'  
**Subject:** RE: Please Oppose House Bill 298

Della,

Thank you for contacting Representative Schuring's office. Representative Schuring greatly values the thoughts and concerns of his constituents as we are always looking for ways to improve Stark County and the state of Ohio.

I will be sure to pass along your message and views to Representative Schuring regarding House Bill 298. This is undoubtedly an important issue to many people throughout the state.

Again, thank you for contacting Representative Schuring's office and please do not hesitate to contact us regarding any other state related issues.

Best,

Abby

Abby Schafer  
Senior Legislative Aide  
Office of State Representative Kirk Schuring  
Speaker Pro Tempore  
77 South High Street, 14th Floor  
Columbus, OH 43215  
614-752-2438

---

**From:** Della Clason Sperling [mailto:info@actionnetwork.org]  
**Sent:** Wednesday, September 13, 2017 12:45 PM  
**To:** Rep48 <Rep48@ohiohouse.gov>  
**Subject:** Please Oppose House Bill 298



Kirk Schuring,

I am writing you today to ask that you oppose House Bill 298, legislation that will take away my right and the rights of many of your constituents to collectively bargain for a better life.

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Della Clason Sperling  
[dcsperling@gmail.com](mailto:dcsperling@gmail.com)

3632 Barrington Place, N.W.  
Canton, Ohio 44708-5931

**From:**  
**Sent:** Thursday, September 21, 2017 3:21 PM  
**To:** dcsperling@gmail.com  
**Subject:** RE: Please Oppose House Bill 298  
**Attachments:** Please Oppose House Bill 298

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**From:** Della Clason Sperling [mailto:info@actionnetwork.org]  
**Sent:** Wednesday, September 13, 2017 12:45 PM  
**To:** Rep48 <Rep48@ohiohouse.gov>  
**Subject:** Please Oppose House Bill 298

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Thank you for your consideration in this matter. I look forward to hearing your position on this terrible legislation. Have a great day.

Della Clason Sperling

[dc Sperling@gmail.com](mailto:dc Sperling@gmail.com)

3632 Barrington Place, N.W.

Canton, Ohio 44708-5931

**From:** Della Clason Sperling  
**Sent:** Wednesday, September 13, 2017 12:45 PM  
**Subject:** Please Oppose House Bill 298

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Kirk Schuring,

I am writing you today to ask that you oppose House Bill 298, legislation that will take away my right and the rights of many of your constituents to collectively bargain for a better life.

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Della Clason Sperling  
dcsperling@gmail.com  
3632 Barrington Place, N.W.  
Canton, Ohio 44708-5931

**From:** Rep48  
**Sent:** Thursday, September 21, 2017 3:22 PM  
**To:** 'astekle@local18training.com'  
**Subject:** RE: Please Oppose House Bill 298

Alisha,

Thank you for contacting Representative Schuring's office. Representative Schuring greatly values the thoughts and concerns of his constituents as we are always looking for ways to improve Stark County and the state of Ohio.

I will be sure to pass along your message and views to Representative Schuring regarding House Bill 298. This is undoubtedly an important issue to many people throughout the state.

Again, thank you for contacting Representative Schuring's office and please do not hesitate to contact us regarding any other state related issues.

Best,

Abby

Abby Schafer  
Senior Legislative Aide  
Office of State Representative Kirk Schuring  
Speaker Pro Tempore  
77 South High Street, 14th Floor  
Columbus, OH 43215  
614-752-2438

---

**From:** Alisha Stekle [mailto:[astekle@local18training.com](mailto:astekle@local18training.com)]  
**Sent:** Wednesday, September 13, 2017 12:42 PM  
**To:** Rep48 <[Rep48@ohiohouse.gov](mailto:Rep48@ohiohouse.gov)>  
**Subject:** Please Oppose House Bill 298

Kirk Schuring,

I am writing you today to ask that you oppose House Bill 298, legislation that will take away my right and the rights of many of your constituents to collectively bargain for a better life.

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Thank you for your consideration in this matter. I look forward to hearing your position on this terrible legislation. Have a great day.

Alisha Stekle

[astekle@local18training.com](mailto:astekle@local18training.com)



2916 Denise Cir., SW  
Canton, Ohio 44706

**From:** Rep48  
**Sent:** Thursday, September 21, 2017 3:23 PM  
**To:** 'mwebster@usw.org'  
**Subject:** RE: Please Oppose House Bill 298

Marie,

Thank you for contacting Representative Schuring's office. Representative Schuring greatly values the thoughts and concerns of his constituents as we are always looking for ways to improve Stark County and the state of Ohio.

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Abby

Abby Schafer  
Senior Legislative Aide  
Office of State Representative Kirk Schuring  
Speaker Pro Tempore  
77 South High Street, 14th Floor  
Columbus, OH 43215  
614-752-2438

---

**From:** Marie Webster [mailto:mwebster@usw.org]  
**Sent:** Wednesday, September 13, 2017 11:58 AM  
**To:** Rep48 <Rep48@ohiohouse.gov>  
**Subject:** Please Oppose House Bill 298

Kirk Schuring,

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Thank you for your consideration in this matter. I look forward to hearing your position on this terrible legislation. Have a great day.

Marie Webster

[mwebster@usw.org](mailto:mwebster@usw.org)

4069 Bradley Circle Nw  
Canton, Ohio 44718

**From:** Rep48  
**Sent:** Thursday, September 21, 2017 3:23 PM  
**To:** 'johnsisson2112@gmail.com'  
**Subject:** RE: Please Oppose House Bill 298

John,

Thank you for contacting Representative Schuring's office. Representative Schuring greatly values the thoughts and concerns of his constituents as we are always looking for ways to improve Stark County and the state of Ohio.

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Best,

Abby

Abby Schafer  
Senior Legislative Aide  
Office of State Representative Kirk Schuring  
Speaker Pro Tempore  
77 South High Street, 14th Floor  
Columbus, OH 43215  
614-752-2438

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**From:** John Sisson [mailto:info@actionnetwork.org]  
**Sent:** Wednesday, September 13, 2017 11:56 AM  
**To:** Rep48 <Rep48@ohiohouse.gov>  
**Subject:** Please Oppose House Bill 298

Kirk Schuring,

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Thank you for your consideration in this matter. I look forward to hearing your position on this terrible legislation. Have a great day.

John Sisson

[johnsisson2112@gmail.com](mailto:johnsisson2112@gmail.com)

1409 Perry Dr. S W  
Canton, Ohio 44710

**From:** Rep48  
**Sent:** Thursday, September 21, 2017 3:22 PM  
**To:** 'timmiller203@gmail.com'  
**Subject:** RE: Please Oppose House Bill 298

Tim,

Thank you for contacting Representative Schuring's office. Representative Schuring greatly values the thoughts and concerns of his constituents as we are always looking for ways to improve Stark County and the state of Ohio.

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Again, thank you for contacting Representative Schuring's office and please do not hesitate to contact us regarding any other state related issues.

Best,

Abby

Abby Schafer  
Senior Legislative Aide  
Office of State Representative Kirk Schuring  
Speaker Pro Tempore  
77 South High Street, 14th Floor  
Columbus, OH 43215  
614-752-2438

---

**From:** Tim Miller [mailto:info@actionnetwork.org]  
**Sent:** Wednesday, September 13, 2017 12:26 PM  
**To:** Rep48 <Rep48@ohiohouse.gov>  
**Subject:** Please Oppose House Bill 298



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Thank you for your consideration in this matter. I look forward to hearing your position on this terrible legislation. Have a great day.

Tim Miller

[timmiller203@gmail.com](mailto:timmiller203@gmail.com)

2661 Wingate Way NW  
Canton, Ohio 44708

**From:** NCSL TODAY  
**Sent:** Tuesday, October 3, 2017 10:46 AM  
**To:** Rep48  
**Subject:** Russian hacking fuels return to paper ballots

NCSL Today | [Manage your subscription](#)



## TOP NEWS Oct. 3, 2017

### Russian hacking fuels return to paper ballots

*Stateline*

= A

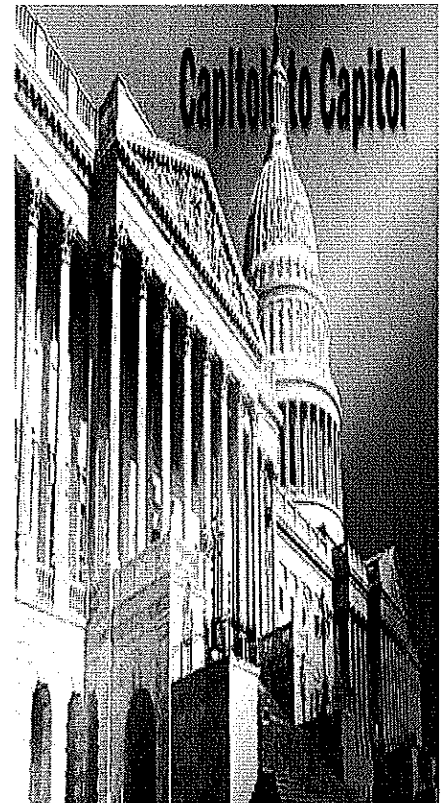
After Russian hackers targeted state voting systems last year, some officials are renewing their focus on switching to paper ballots, which they say are more secure and leave an audit trail. **NCSL consultant Katy Owens Hubler** quoted.

### Mass shooting rekindles gun debate

*The Hill*

The national debate over gun violence was rekindled Monday after a gunman in Las Vegas opened fire on an outdoor concert crowd, killing at least 59 and wounding or injuring more than 500 others.

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## **Government jobs sprouting as legal pot looms in California**

*Associated Press*

The state is on a hiring binge to fill what eventually will be hundreds of new government positions by 2019 intended to bring order to the legal pot economy, from keeping watch on what's seeping into streams near cannabis grows to running background checks on storefront sellers who want government licenses.

## **Arkansas spending for Medicaid rises**

*Arkansas Online*

Driven by enrollment that surged past expectations, spending on Arkansas' expanded Medicaid program grew by almost 24 percent during the fiscal year that ended June 30, surpassing what state officials initially projected by about \$200 million.

## **Stagnant farm economy slows growth in Iowa, Nebraska**

*The Des Moines Register*

A stagnant farm economy that has slowed Nebraska and Iowa's income growth to the lowest levels in the nation is also contributing to state budget problems that could linger through next year, officials said.

## **How hurricane responders track people whose lives depend on power**

*Stateline*

For people who rely on electricity-dependent machines to maintain their health, power outages are more than a

## **Capitol to Capitol: Congress shifts to tax reform**

On Sept. 27, President Donald Trump and the "Big Six"— which includes Senate Majority Leader Mitch McConnell (R-Ky.), Speaker Paul Ryan (R-Wis.), Senate Finance Chairman Orrin Hatch (R-Utah), House Ways and Means Chairman Kevin Brady (R-Texas), Treasury Secretary Steven Mnuchin and National Economic Council Director Gary Cohn — released their "unified framework" for overhauling the U.S. tax code.

**NEW @ NCSL**

## **Allowing purchases of out-of-state health insurance**

**Register now for the NCSL Capitol Forum Dec. 10-13 in Coronado, Calif.**

## **Financing clean energy projects through property assessments**

**BLOG**

frustration. State and local emergency managers are using data to keep them safe.

## **Supreme Court to hear public sector union dues case (again)**

In 2016 the U.S. Supreme Court was expected to overrule a nearly 40-year old precedent requiring public sector employees who don't join the union to pay their "fair share" of collective bargaining costs.

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Denver: 303-364-7700  
Washington: 202-624-5400

= A

Click [here](#) to unsubscribe

7700 East First Place, Denver, CO 80230

**From:** Yvonne Smith  
**Sent:** Tuesday, October 3, 2017 6:32 PM  
**To:** Rep48  
**Subject:** Please Oppose House Bill 298

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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Thank you for your consideration in this matter. I look forward to hearing your position on this bill that would negatively impact me and others in your district. Have a great day.

Dr. Yvonne Smith

Yvonne Smith  
ysmith@kent.edu  
2535 Woodchuck St NE  
Canton, Ohio 44705

**From:** Rep48  
**Sent:** Wednesday, October 4, 2017 1:57 PM  
**To:** 'ysmith@kent.edu'  
**Subject:** RE: Please Oppose House Bill 298

Yvonne,

Thank you for contacting Representative Schuring's office. Representative Schuring greatly values the thoughts and concerns of his constituents as we are always looking for ways to improve Stark County and the state of Ohio.

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Senior Legislative Aide  
Office of State Representative Kirk Schuring  
Speaker Pro Tempore  
77 South High Street, 14th Floor

Columbus, OH 43215

614-752-2438

---

**From:** Yvonne Smith [mailto:ysmith@kent.edu]  
**Sent:** Tuesday, October 03, 2017 6:32 PM  
**To:** Rep48 <Rep48@ohiohouse.gov>  
**Subject:** Please Oppose House Bill 298



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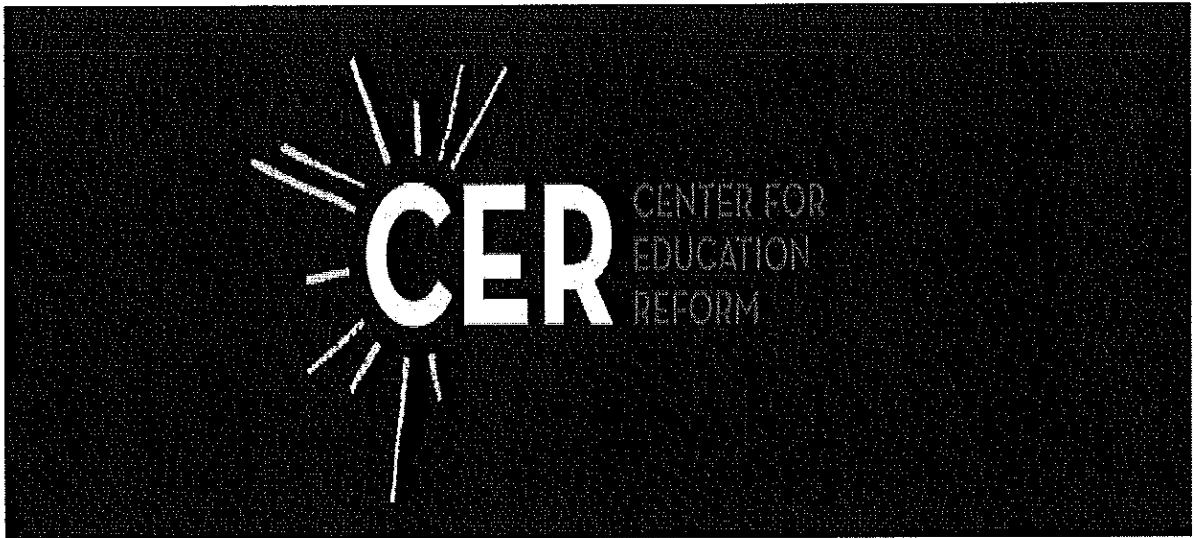
Thank you for your consideration in this matter. I look forward to hearing your position on this bill that would negatively impact me and others in your district. Have a great day.

Dr. Yvonne Smith

Yvonne Smith  
[ysmith@kent.edu](mailto:ysmith@kent.edu)

2535 Woodchuck St NE  
Canton, Ohio 44705

No Images? [Click here](#)



October 4, 2017

## **Memo to Reporters**

From: Jeanne Allen, founder & CEO, the Center for Education Reform

### **Re: U.S. Supreme Court case holds promise for teacher freedoms**

Leaders of organizations and schools across the education reform arena are enthusiastic that on Thursday, September 28, the Supreme Court of the United States (SCOTUS) agreed to hear arguments in *Janus v. AFSCME*. The case was brought forth by Mark Janus, an Illinois Department of Healthcare and Family Services public employee who believes that forced unionism and the mandatory paying of fees violates his First Amendment rights. A favorable outcome in *Janus* could pave the way for a loosening on the stranglehold of other public sector employees compelled to pay mandatory union fees. Public school teachers, in particular, stand to benefit from the freedom that would allow them to make their own decisions as to whether or not they pay union dues and fees.

## TOP 5 TAKEAWAYS IF SCOTUS RULES IN FAVOR OF *JANUS*:

- Free millions of workers – public school teachers included ? 3 from compelled association—a clear violation of the First Amendment
- Millions of workers will no longer be compelled to pay union fees when opting out of union representation
- In addition to more take-home pay, teachers will have more freedom to innovate when opting out of mandated association with teachers' unions
- A pro-Janus ruling will have no impact on the ability for unions to organize and function
- The union-employee relationship should improve as unions will demonstrate their value to existing and future members

The case has been winding its way through Federal courts since early 2015 and was stayed pending an outcome in *Friedrichs v. California Teachers Association*, a case that was deadlocked 4-4 after the tragic passing of Justice Antonin Scalia. While the *Janus* case was initially dismissed by U.S. District Court after that *Friedrichs* ruling, the employees, backed by the National Right to Work Foundation, appealed to the 7th U.S. Circuit Court of Appeals in October 2016 which, as expected, upheld the lower court's decision – paving the way for an appeal to the U.S. Supreme Court. On June 6, 2017, a petition for Writ of Certiorari was filed and later accepted by SCOTUS. Now the 40-year old ruling in *Abood v. Detroit Board of Education* which created the current system allowing mandatory fees paid to public unions could very well be overturned.

It's important to note that the case started with an executive order issued by Illinois Governor Bruce Rauner, who sought to abolish mandatory collective bargaining pending review of its constitutionality. Since 2012, six states have passed laws strengthening workers' rights and freedom from having to pay

mandatory union fees. What is most notable is at least three of these states are “blue-to-purple” states with historic ties to organized labor, including Michigan, Wisconsin and West Virginia. Following these laws, teachers’ union membership dropped 20% in Michigan and 58% in Wisconsin. More state policymakers throughout the country are focused on the upcoming *Janus* case review. With teachers’ union-driven pension rules and union-backed laws that protect uniform pay scales, eschew performance pay and mandate teacher tenure, the elimination of mandatory fees could impact the unions’ ability to wage political battles to defend their turf and oppose proposals that put student achievement and parental choice at the center of every education improvement effort.

CER believes that the *Janus* case holds great potential for employees and could dramatically improve union-employee relationships. Overturning *Abood* will allow for teachers to associate as they see fit, providing teachers more freedom and independence to better serve their students. This will not bar union organizing but ensure unions prove their value to each member. Unions should celebrate the opportunity to prove their value to employees rather than relying on mandatory fees.

Instead, it is evident by the recent teachers’ union attacks on education reform that the unions fear the freedom *Janus* may bring to teachers, particularly as their funds are declining. Randi Weingarten, president of the American Federation of Teachers, the nation’s second-largest teachers’ union, has also scoffed at the idea that teachers are entitled to the same First Amendment rights as other employees.

Historically, public support for mandatory agency fees is low, and most Americans are unaware that teachers are pressured to join unions and forced to pay union fees even when they decline to join. A June 2017 survey by Education Next found that teachers oppose mandatory fees 47% to 44%, while the general public is 44% to 37% opposed.

As the public’s attention turns to *Janus v. AFSCME*, it is important to note that this case is bigger than one public employee or one union – this case could improve

the learning experience for students by dramatically empowering teachers nationwide, and change the course of American education.

Members of the media interested in writing about this in any aspect, CER's team can provide insights and commentary, and connect reporters with parents, teachers and those on the ground who will be most affected by the outcome of the case.

---

**MEDIA CONTACT: Tim Sullivan, *Chief Communications Officer***  
**[tim@edreform.com](mailto:tim@edreform.com) | (443) 532-2445**

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Founded in 1993, the Center for Education Reform aims to expand educational opportunities that lead to improved economic outcomes for all Americans — particularly our youth — ensuring that conditions are ripe for innovation, freedom and flexibility throughout U.S. education.

**[@edreform](#) | [edreform.com](http://edreform.com)**

The Center for Education Reform  
1901 L Street, NW, Suite 705  
Washington, DC 20036

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**From:** Mark Fete  
**Sent:** Tuesday, October 10, 2017 9:59 PM  
**To:** Rep48  
**Subject:** Please Oppose House Bill 298

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Kirk Schuring,

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making it harder for your constituents to collectively bargain for a better life and that you are opposed to House Bill 298.

Thank you for your consideration in this matter. I look forward to hearing your position on this terrible legislation. Have a great day.

Thanks for your time,

Mark Fete Local 2937 Pro Football HOF City of Canton Service Workers

Mark Fete

marfete@sssnet.com

3217 Pine Hills Drive SW

Massillon , Ohio 44646



**From:** Donniel Cundiff  
**Sent:** Tuesday, October 10, 2017 10:09 PM  
**To:** Rep48  
**Subject:** Please Oppose House Bill 298

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Kirk Schuring,

I am writing you today to ask that you oppose House Bill 298, legislation that will take away my right and the rights of many of your constituents to collectively bargain for a better life.

House Bill 298 takes language straight from Senate Bill 5 dealing with sick time and tries to pass it as a standalone. Senate Bill 5/ Issue 2 was soundly defeated in 2011 by Ohioans who believe that collective bargaining shouldn't be restricted by politicians in Columbus.

I am making sure that your constituents know the truth- that this is just the first step in trying to limit what we can collectively bargain for. Today, it's about sick time; tomorrow it's about how we collectively bargain over pay, safety in the workplace and the how we grieve unfair working conditions. Please help me fight back against attempts to silence my voice at the workplace by opposing House Bill 298.

We didn't send you to Columbus to limit our voice at the workplace. We elected you to stand up and speak for us, create good jobs in your district and raise everyone's wages. Please tell Representative Merrin that you are not interested in

making it harder for your constituents to collectively bargain for a better life and that you are opposed to House Bill 298.

Thank you for your consideration in this matter. I look forward to hearing your position on this terrible legislation. Have a great day.

Donniel Cundiff  
donniel7828@gmail.com  
1406 37th st ne apt d  
Canton, Ohio 44714

**From:** Rep48  
**Sent:** Tuesday, October 17, 2017 1:21 PM  
**To:** 'donniel7828@gmail.com'  
**Subject:** RE: Please Oppose House Bill 298

Donniel,

Thank you for contacting Representative Schuring's office. Representative Schuring greatly values the thoughts and concerns of his constituents as we are always looking for ways to improve Stark County and the state of Ohio.

I will be sure to pass along your message and views to Representative Schuring regarding House Bill 298. This is undoubtedly an important issue to many people throughout the state.

Again, thank you for contacting our office and please do not hesitate to contact us regarding any other state related issues.

Best,

Abby

Abby Schafer  
Senior Legislative Aide  
Office of State Representative Kirk Schuring  
Speaker Pro Tempore  
77 South High Street, 14th Floor  
Columbus, OH 43215  
614-752-2438

---

**From:** Donniel Cundiff [mailto:info@actionnetwork.org]  
**Sent:** Tuesday, October 10, 2017 10:09 PM  
**To:** Rep48 <Rep48@ohiohouse.gov>  
**Subject:** Please Oppose House Bill 298

Kirk Schuring,

I am writing you today to ask that you oppose House Bill 298, legislation that will take away my right and the rights of many of your constituents to collectively bargain for a better life.

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Donniel Cundiff

[donniel7828@gmail.com](mailto:donniel7828@gmail.com)

1406 37th st ne apt d  
Canton, Ohio 44714

**From:** Rep48  
**Sent:** Tuesday, October 17, 2017 1:21 PM  
**To:** 'marfete@sssnet.com'  
**Subject:** RE: Please Oppose House Bill 298

Mark,

Thank you for contacting Representative Schuring's office. Representative Schuring greatly values the thoughts and concerns of his constituents as we are always looking for ways to improve Stark County and the state of Ohio.

I will be sure to pass along your message and views to Representative Schuring regarding House Bill 298. This is undoubtedly an important issue to many people throughout the state.

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Abby

Abby Schafer  
Senior Legislative Aide  
Office of State Representative Kirk Schuring  
Speaker Pro Tempore  
77 South High Street, 14th Floor  
Columbus, OH 43215  
614-752-2438

---

**From:** Mark Fete [mailto:marfete@sssnet.com]  
**Sent:** Tuesday, October 10, 2017 9:59 PM  
**To:** Rep48 <Rep48@ohiohouse.gov>  
**Subject:** Please Oppose House Bill 298

Kirk Schuring,

I am writing you today to ask that you oppose House Bill 298, legislation that will take away my right and the rights of many of your constituents to collectively bargain for a better life.

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Thank you for your consideration in this matter. I look forward to hearing your position on this terrible legislation. Have a great day.

Thanks for your time,

Mark Fete Local 2937 Pro Football HOF City of Canton Service Workers

Mark Fete

[marfete@sssnet.com](mailto:marfete@sssnet.com)

3217 Pine Hills Drive SW

Massillon , Ohio 44646



**From:** Sharon Tisevich  
**Sent:** Friday, October 27, 2017 12:12 AM  
**To:** Rep48  
**Subject:** Please Oppose House Bill 298

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Kirk Schuring,

I am writing you today to ask that you oppose House Bill 298, legislation that will take away my right and the rights of many of your constituents to collectively bargain for a better life.

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Thank you for your consideration in this matter. I look forward to hearing your position on this terrible legislation. Have a great day.

Sharon Tisevich

stisevich1@att.net

5818 WOODMOOR AVE NW

CANTON, Ohio 44718

**From:** Rep48  
**Sent:** Monday, October 30, 2017 5:32 PM  
**To:** 'stisevich1@att.net'  
**Subject:** RE: Please Oppose House Bill 298

Sharon,

Thank you for contacting Representative Schuring's office. Representative Schuring greatly values the thoughts and concerns of his constituents as we are always looking for ways to improve Stark County and the state of Ohio.

I will pass along your message and views to Representative Schuring regarding House Bill 298. This is undoubtedly an important issue to many people throughout the state.

Again, thank you for contacting our office and please do not hesitate to contact us regarding any other state related issues.

Best,

Abby

Abby Schafer  
Senior Legislative Aide  
Office of State Representative Kirk Schuring Speaker Pro Tempore  
77 South High Street, 14th Floor  
Columbus, OH 43215

614-752-2438

---

**From:** Sharon Tisevich [mailto:stisevich1@att.net]  
**Sent:** Friday, October 27, 2017 12:12 AM  
**To:** Rep48 <Rep48@ohiohouse.gov>  
**Subject:** Please Oppose House Bill 298

Kirk Schuring,

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Thank you for your consideration in this matter. I look forward to hearing your position on this terrible legislation. Have a great day.

Sharon Tisevich

[stisevich1@att.net](mailto:stisevich1@att.net)

5818 WOODMOOR AVE NW

CANTON, Ohio 44718



**From:** Public Policy Law360  
**Sent:** Wednesday, November 1, 2017 5:31 AM  
**To:** Rep48  
**Subject:** Ties To Oligarchs Make Manafort Flight Risk, Mueller Says

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Wednesday, November 1, 2017



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## TOP NEWS

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### **Ties To Oligarchs Make Manafort Flight Risk, Mueller Says = 9**

Special counsel Robert Mueller's office portrayed Paul Manafort and his business partner Rick Gates as significant flight risks in a court filing Tuesday, pointing to the pair's extensive overseas connections to support strict release conditions. [Read more »](#)

= 9

### **GOP Tax Plan Rollout Delayed Until Thursday**

Republicans in the U.S. House of Representatives will not release the party's tax reform proposal on Wednesday as anticipated because House Ways and Means Committee party members were unable to finalize the bill's



[Listen to our new podcast here](#)

LAW FIRMS  
Akin Gump

details, Committee Chairman Kevin Brady said on Tuesday night. [Read more »](#)

= A

### **Senate OKs Trump Pick For Seventh Circuit Seat**

The Senate approved President Donald Trump's pick to fill a vacancy on the Seventh Circuit on Tuesday, following partisan furor over questions concerning the soon-to-be judge's Catholic faith. [Read more »](#) = 2

= 9

Analysis

### **One Year Later: How Trump Has Changed Telecom Policy**

President Donald Trump's victory last November set a radical new trajectory for communications policy, reversing course on Obama-era initiatives including net neutrality and charting a deregulatory future for telecommunications policy. [Read more »](#)

= A

### **Puerto Rico To Revise Fiscal Plan In Wake Of Hurricane Maria**

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The federal board charged with shoring up Puerto Rico's finances and restructuring its debts said Tuesday that a revised fiscal recovery plan will be put together over the coming months to account for a new reality in the wake of widespread devastation caused by Hurricane Maria. [Read more »](#)

### **Partisanship, Not Money To Decide Pa. Judicial Elections**

Following a money-laden 2015 campaign that shattered national and state records for judicial elections, the fight to fill seven seats on Pennsylvania's appellate courts in November is likely to turn not on fundraising, but rather on external factors like party politics that have little to do with the candidates themselves. [Read more »](#)

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Arnold & Porter Kaye Scholer

Baker Botts

Belin McCormick

Bracewell

Crowell & Moring

= 9

Davis Polk

= 9

Davis Wright Tremaine

Eckert Seamans

= 9

Farrell & Reisinger

Gaskins Bennett

Greenbaum Rowe

Haynes and Boone

Hedberg & Boulton

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Hobbs Straus

Hogan Lovells

Hogen Adams

Holland & Knight

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Husch Blackwell

Irell & Manella

Jenner & Block

Jones Day

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King & Spalding

Kobre & Kim

Latham & Watkins

McDermott Will

McNelly & Goldstein

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Norton Rose Fulbright

O'Neill & Borges

Pashman Stein

## BANKING & SECURITIES

### **Texas Rep. Jeb Hensarling Won't Seek Re-Election**

Jeb Hensarling, the Texas Republican who chairs the House Financial Services Committee, said Tuesday he would not seek re-election in 2018. [Read more »](#)

## ENERGY & ENVIRONMENTAL

= 9

### **EPA Says No Agency Grants For Science Committee Members**

U.S. Environmental Protection Agency Administrator Scott Pruitt on Tuesday said that in an effort to avoid conflicts of interest, no member of one of the agency's scientific advisory committees may receive an EPA grant while serving in that role. [Read more »](#) = 9

Analysis

### **Dynegy, Calpine Deals Signal Power Producer M&A Surge**

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A pair of recent megadeals that will see Dynegy Inc. and Calpine Corp. exit the independent power producer stage signals a wave of consolidation about to hit a sector struggling with flat electricity prices and the growing impact of state clean energy policies on regional wholesale electricity markets, experts say. [Read more »](#)

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### **Proposed Delaware River Fracking Ban Slammed At Hearing**

Members of Pennsylvania's business and agricultural communities told Republican lawmakers during a hearing on Tuesday that a proposed ban on hydraulic fracturing inside the Delaware River basin threatens to rob landowners of their rights and close the door

Paul Hastings

Polsinelli

Proskauer Rose

Reed Smith

Skadden

Step toe & Johnson LLP

Troutman Sanders

Walder Hayden

WeirFoulds LLP

Wiley Rein

WilmerHale

## COMPANIES

AT&T Inc.

Access Industries Inc.

American Bar Association

American Civil Liberties Union

American Federation of State, County and Municipal Employees

Apple Inc.

Bank of America Corporation

Boehringer Ingelheim

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Boston Scientific Corporation

CSX Corporation

California Independent System Operator

Calpine Corporation

Center for American Progress

Citadel LLC

DISH Network Corporation

Dentsply Sirona Inc.

DraftKings Inc.

Dynegy Inc.

Electric Reliability Council of Texas Inc.

Energy Capital Partners LLC

Equifax Inc.

Express Scripts, Inc.



on much-needed economic growth in the region. Read more »

= 9

## HEALTH & LIFE SCIENCES

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### **Menendez Jury Instructions Crafted With Eye On McDonnell**

A New Jersey federal judge pored over jury instructions with counsel Tuesday in the bribery trial of Sen. Bob Menendez and a Florida ophthalmologist to ensure the instructions reflect the U.S. Supreme Court's landmark McDonnell decision, saying he was the first trial court to do so in the wake of the high court ruling. Read more »

## MEDIA & ENTERTAINMENT

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= 9

### **Social Media Cos. Will Seek To Block Foreign Political Ads**

Representatives from the world's biggest online social media companies Tuesday told a Senate panel they are working to improve their ability to identify and block efforts by foreign entities to influence political discourse in the U.S. while boosting transparency requirements for political advertisements. Read more »

## EMPLOYMENT

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### **Iowa Union Loses Suit Over Collective Bargaining Law**

A union representing public sector employees in Iowa had its suit challenging the state's sweeping new law curtailing collective bargaining rights for most public workers tossed on Monday when a judge said the law does not violate the state constitution's equal protection clause. Read more »

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Facebook

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Faculty Athletics Representatives Association

Financial Industry Regulatory Authority Inc.

Goldman Sachs Group Inc.

Google Inc.

HSBC Holdings PLC

Hyatt Hotels Corporation

Immigrant Legal Resource Center

Instagram Inc.

JPMorgan Chase & Co.

Kinder Morgan

Major League Baseball Players Association

Marriott International Inc.

McKinsey & Company

National Immigration Law Center

New York State Bar Association

Oxford University Press Ltd.

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PHH Corporation

PepsiCo Inc.

Planned Parenthood Federation

The Boeing Company

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Twitter Inc.

U.S. Energy Corp.

Uber Technologies Inc.

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Verizon Communications

Virginia State Bar

Wells Fargo & Co.

YouTube Inc.

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## GOVERNMENT AGENCIES

Alabama Department of Revenue

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### NJ State Police Ordered To Reveal Troopers' Pay Info

A New Jersey judge on Monday ordered the state police to turn over troopers' pay stubs and overtime records sought by government transparency advocates, ruling that the delays, withholdings and redactions that plagued the request ran afoul of the state's open public records law. = 9 [Read more »](#)

## PRIVACY & CYBERSECURITY

### Trump's National Security Pick Pushes Back On Intel Warrants

President Donald Trump's pick to lead the National Security Division of the U.S. Department of Justice criticized potential new restrictions on already collected government intelligence, arguing at a Senate hearing Tuesday that warrant requirements could slow down or halt critical investigations. [Read more »](#)

## AEROSPACE & DEFENSE

### Grassley Asks DHS To Cut Immigration Protection Program

Sen. Chuck Grassley, R-Iowa, asked the U.S. Department of Homeland Security on Tuesday to curtail a program that shields immigrants from forced return to extreme, adverse conditions, arguing the program allows what was meant to be a temporary protected status to extend for years or even decades. [Read more »](#)

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### DOD Keeping More Afghan Force Info Secret, Watchdog Says

The U.S. Department of Defense has begun to classify previously public information on the performance and strength of Afghan forces, a

Bay Mills Indian Community  
Bonneville Power Administration  
Bureau of Land Management  
Consumer Financial Protection Bureau  
Delaware River Basin Commission  
Department of Commerce  
European Union  
Executive Office of the President

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Federal Aviation Administration  
Federal Bureau of Investigation  
Federal Communications Commission  
Federal Energy Regulatory Commission  
Federal Reserve System  
Federal Trade Commission  
Hualapai Tribe  
Internal Revenue Service  
Minnesota Department of Commerce  
NATO  
National Aeronautics and Space Administration  
National Economic Council  
= 9  
National Oceanic and Atmospheric Administration  
National Park Service  
= 9  
National Telecommunications and Information Administration  
Navajo Nation  
Oglala Sioux Tribe  
Pawnee Nation of Oklahoma  
Pennsylvania General Assembly  
Securities and Exchange Commission  
Social Security Administration

move a government watchdog said Monday would hinder its ability to report on a key aspect of the war-torn country's reconstruction. [Read more »](#)

## INTERNATIONAL TRADE

### Analysis

#### **US Lights Spark That May Set Off China Powder Keg At WTO**

By refusing to certify China as a market-driven economy in a new trade spat over aluminum foil, the Trump administration has taken perhaps its boldest stance yet against Beijing, teeing up a conflict likely destined for a calamitous World Trade Organization showdown between the two juggernauts. [Read more »](#)

### TAX

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#### **Koskinen Stresses Continued Focus On IT Upgrades At IRS**

The ideal candidate to lead the Internal Revenue Service is someone who can effectively oversee information technology projects, in addition to managing about 80,000 employees, the agency's outgoing head, John Koskinen, said on Tuesday. [Read more »](#)

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#### **White House Says No To Corporate Tax Cut Phase-In**

The Trump administration is not in favor of phasing in the proposed cut to the corporate tax rate, a strategy that would avoid abruptly lowering the rate from 35 percent to 20 percent, the president and his top spokeswoman said Tuesday. [Read more »](#)

#### **Advisory To EU Court Questions Reach Of Dutch Tax Scheme**

A Netherlands law that treats Dutch corporations and their subsidiaries as a single

Special Inspector General for Afghanistan Reconstruction

U.S. Department of Defense

U.S. Department of Homeland Security

U.S. Department of Justice

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U.S. Department of State

U.S. Department of the Interior

U.S. Environmental Protection Agency

U.S. House of Representatives

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U.S. Patent and Trademark Office

U.S. Senate

U.S. Supreme Court

United Nations

World Trade Organization

tax entity if they're located within the nation's borders should also apply when affiliates are in a different country, but only in certain cases, according to an opinion submitted to the European Union's top court. [Read more »](#)

### **Injunction Bid Shelved On Borrowing From Pa. Liquor Agency**

A Pennsylvania advocacy group withdrew Tuesday its bid for a preliminary injunction to stop the governor from borrowing \$1.25 billion against the state Liquor Control Board's future earnings to balance the state budget amid reports he was backing off the proposal. [Read more »](#)

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## **TELECOMMUNICATIONS**

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### **NTIA Warns Against Jolting Agencies In Broadband Push**

The National Telecommunications and Information Administration expressed support for Federal Communications Commission efforts to accelerate broadband deployment, but said it had to factor implications for federal agencies reliant on older technologies. [Read more »](#)

= 9

### **FCC Urges 8th Circ. To Uphold Charter VoIP Exemption Ruling**

The Federal Communications Commission has urged the Eighth Circuit to uphold a decision finding that Charter Advanced Services LLC's Voice over Internet Protocol service should be classified as an information service exempt from state regulation, arguing that a reversal would threaten to disrupt the national voice services market. [Read more »](#)

## **IMMIGRATION**

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## **Trump Urges 4th Circ. To Pause Halt To Travel Ban**

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The Trump administration urged the Fourth Circuit on Monday to enter an emergency pause on a Maryland federal court's order that halted the government's latest attempt to bar nationals of several predominantly Muslim countries from traveling to the U.S. [Read more »](#)

= 9

## **Asylum-Seeker Asks High Court To Review 7th Circ. Rejection**

An Ethiopian citizen who admits to financially backing a militant group in her home country has asked the U.S. Supreme Court to review a Seventh Circuit decision to deny her asylum that was in part based on evidence the appellate court found on the internet. [Read more »](#)

= 9 WHITE COLLAR

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## **Ex-Pa. Treasurer Gets Probation For Lying To Investigators**

A former Pennsylvania treasurer was sentenced to 36 months of probation on Tuesday for lying to federal investigators about payments her consulting company received from a businessman with financial ties to entities that provided services to the state treasury. [Read more »](#)

## **PEOPLE**

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## **Trump's Social Security IG Pick Reveals \$2M From WilmerHale**

President Donald Trump's pick for inspector general of the Social Security Administration earned just over \$2 million since the start of 2016 as a securities and regulatory affairs partner at WilmerHale, according to a financial

disclosure form obtained Tuesday. Read more »

## EXPERT ANALYSIS

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= 9

### **Increased FARA Enforcement May Lie Ahead**

The indictment of Paul Manafort and Richard Gates on Monday brings into focus a federal statute not often employed by prosecutors. The Foreign Agents Registration Act, once a little-known law, is now front and center in the national media, say Daniel Pickard and Madeline Cohen of Wiley Rein LLP. Read more »

= A

### **It's Up To EPA, Congress To Act On Commerce Reg Reforms**

= 9

The U.S. Department of Commerce recently recommended significant revisions to environmental regulatory and permit programs. But these changes are within the purview of Congress and the U.S. Environmental Protection Agency. Time will tell whether the outcome will be a few easy fixes, comprehensive recasting of existing programs or something in between, says Charles Merrill of Husch Blackwell LLP. = 9 Read more »

= 9

### **Defending The National Historic Preservation Act: Part 2**

Tribal consultation pursuant to the National Historic Preservation Act can and should be a collaborative process. Tribes should not be fearful of collaborating with project proponents, and federal agencies must allow for new strategies that are best suited to the proposed project, say attorneys with Chestnut Law Offices PC and Hobbs Straus Dean & Walker LLP. Read more »

= A

Series

### **Judging A Book: McConnell Reviews 'Unequal' = 9**

As widespread claims of sexual misconduct continue to surface in the entertainment industry and beyond, a discussion of how judges treat workplace discrimination cases may be particularly timely. Here, U.S. District Judge John McConnell reviews the book "Unequal: How America's Courts Undermine Discrimination Law," by professors Sandra Sperino and Suja Thomas. = A Read more » = A

## **LEGAL INDUSTRY**

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### **Female Attys Have Little Faith In Diversity Efforts, Study Says**

Despite numerous programs aimed at reducing bias in hiring and promotion, law firms are still struggling when it comes to gender equality, and a new study released on Monday found that most female lawyers have little faith in their law firm's gender diversity efforts. Read more » = 9

### **Ex-Crowell & Moring Chair Makes Move To Bracewell In DC**

The former chair of Crowell & Moring LLP is joining Bracewell LLP's Washington, D.C., office as a partner in the firm's burgeoning government contracts practice, Bracewell announced Tuesday. Read more »

Analysis

### **Atty Speech Debate Roils Ontario Regulator's Diversity Rule**

A new requirement for Ontario lawyers to adopt a so-called "statement of principles" on their duty to promote equality and diversity has sparked a call for resistance from some attorneys and heated accusations that regulators want to use a threat of professional discipline or disbarment to police lawyers' beliefs. Read more »

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Analysis

= 9

### **How Young Native American Attys Can Find The Right Firm**

Native American attorneys looking to launch a career in federal Indian law and tribal law should seek out firms that offer them a chance to get a broad range of experience and know how to cultivate young talent, say lawyers who've been in their shoes. Here, seasoned Native American attorneys lay out the most important factors in choosing the best place to start their professional journey. [Read more »](#)

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### **= 9 Va. Poised To Deem Atty-Matching Sites Like Avvo Unethical= A**

= 9 Attorney-client matching services such as Avvo Legal Services do not comply with Virginia's attorney ethics rules, the Virginia State Bar's Standing Committee on Legal Ethics has determined. [Read more »](#)

= 9

### **= 9 The Top In-House Hires Of October**

October's notable legal department hires include a new chief legal officer at Uber, a former assistant U.S. attorney as the Major League Baseball Players Association's assistant general counsel and a top lawyer at KPMG. [Read more »](#) = 9

Series

### **My Supreme Court Debut: 1 Final Sentence**

The exhilaration (and relief) I felt when returning to my seat after my first argument before the U.S. Supreme Court is an experience that I now try to replicate whenever possible. It makes the weeks of agonizing preparation worthwhile. And it reminds me why I love what I do, says Melissa Arbus Sherry of Latham & Watkins LLP. [Read more »](#)



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Law360 | Portfolio Media, Inc, 111 West 19th Street, 5th Floor, New York, NY 10011

**From:** Public Policy Law360  
**Sent:** Tuesday, November 28, 2017 4:31 AM  
**To:** Rep48  
**Subject:** Jones Day Vet Set For Final Vote In DC Circ. Bid

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Tuesday, November 28, 2017



## TOP NEWS

= 9

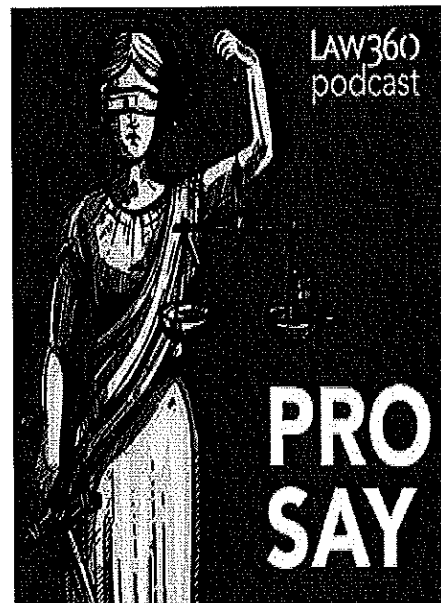
### Jones Day Vet Set For Final Vote In DC Circ. Bid

The U.S. Senate has set up White House Deputy Counsel and Jones Day veteran Gregory Katsas' confirmation to the D.C. Circuit for a final vote later this week, after his nomination cleared a procedural hurdle Monday. [Read more »](#)

= 9

### Trump Pick For DC District Court Clears Senate

The U.S. Senate has pushed through another of President Donald Trump's nominees to the federal bench, approving former U.S. Sentencing Commission member Dabney Friedrich to a court seat in the District of Columbia. [Read more »](#)



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LAW FIRMS

## **Treasury, IRS Appeal Invalidation Of Anti-Inversion Rule**

The U.S. Department of the Treasury and the Internal Revenue Service announced on Monday that they are appealing a Texas federal court's decision to invalidate the anti-inversion rule that sank a planned \$160 billion merger between Pfizer Inc. and Irish counterpart Allergan PLC. [Read more »](#)

## **Dems' House Judiciary Leadership Shuffles Amid Sex Probe**

After Rep. John Conyers, D-Mich., stepped down as the top Democrat on the House Judiciary Committee on Sunday amid sexual harassment allegations, Rep. Jerrold Nadler, D-N.Y., appears poised to take over the role. [Read more »](#)

= A

Analysis

## **CFPB's Temporary Leadership Hinges On Judge's Analysis**

The immediate future of the Consumer Financial Protection Bureau could hinge on the way a federal judge in Washington interprets the language in the bureau's implementing law that set up a method for appointing an acting director, experts say. [Read more »](#) = 9

## **Gov't Seeks To Chuck Princeton, Microsoft DACA Case**

= 9 The federal government asked a D.C. federal court Wednesday to dismiss a case brought by Princeton University and Microsoft fighting the rollback of Deferred Action for Childhood Arrivals, arguing that the dispute over the program for young immigrants can't be decided by the courts. [Read more »](#) = A

## **ENERGY & ENVIRONMENTAL**

## **4 States Push 10th Circ. To Rethink Fracking Rule Decision**

Akin Gump  
Altshuler Berzon  
Baker McKenzie  
BakerHostetler  
BatesCarey LLP  
= 9  
Burr & Forman  
Cohen Milstein  
Cooley  
Cozen O'Connor  
Cravath Swaine  
DLA Piper  
Davis Polk  
Dechert  
Dentons  
Drinker Biddle  
Earthjustice  
Gibson Dunn  
Gupta Wessler  
Hogan Lovells  
Hunton & Williams  
Irell & Manella  
= 9  
Jenner & Block  
Jones Day  
King & Spalding  
Kirkland & Ellis  
Latham & Watkins  
Littler Mendelson  
Locke Lord  
Mayer Brown  
McDermott Will  
= 9  
McGuireWoods  
Milbank Tweed  
Morgan Lewis  
Morrison & Foerster  
O'Melveny & Myers  
Paul Weiss

Four states have asked the Tenth Circuit to allow them to file an additional court document supporting their request for the court to revisit its rejection of their challenge to an Obama-era hydraulic fracturing rule for federal and Native American lands. [Read more »](#)

## HEALTH & LIFE SCIENCES

= 9

### **Watchdog Knocks VA's Oversight Of Docs' Performance**

The Department of Veterans Affairs' process for reporting and removing its doctors when quality or safety concerns arise needs work, the Government Accountability Office found in a report published Monday. [Read more »](#)

= 9 IP & TECHNOLOGY

= A

### **UK To Expand IP Royalty Taxes To Other Countries**

The U.K. government has announced that it will tax intracompany royalty payments for intellectual property related to sales to British customers even if the subsidiary using the IP is in another country, a measure it says is aimed at digital multinational businesses shifting profits into low-tax jurisdictions. [Read more »](#)

## EMPLOYMENT

= A

### **Calif. High Court OKs Farmworker Union Mediation Scheme**

The California Supreme Court on Monday upheld a state mechanism that sends union farmworkers and farms to contract mediation if they can't reach a collective bargaining agreement, reversing a Fifth District ruling that the law discriminates by holding farms to different standards. [Read more »](#)

Pillsbury Winthrop

Post & Schell

Reed Smith

Sidley Austin

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Skadden

= 9

Venable LLP

White & Case

Wilkinson Barker

WilmerHale

## COMPANIES

Allergan PLC

American Civil Liberties Union

BTI Consulting Group Inc.

BuzzFeed Inc.

CIM Group Inc.

Cable-Satellite Public Affairs Network

Churchill Downs Inc.

Citizens for Responsibility and Ethics in Washington

Federalist Society

Fordham University

Frontier Communications Corporation

Google Inc.

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Kentucky Derby

Los Angeles Times

Microsoft Corporation

National Immigration Law Center

= 9

PHH Corporation

Petco Animal Supplies Inc.

Pfizer Inc.

Procter & Gamble Co.

Sierra Club

Trump Organization Inc.

## COMPETITION

### **EU Probes \$523M Aid To Spanish Coal Plants**

The European Union's competition watchdog on Monday said it will review a program by Spanish authorities involving €440 million (\$523.5 million) in environmental incentives for coal power plants that may have violated EU rules and given the plants an unfair advantage over other types of power providers and industry players. Read more  $\frac{1}{2}$  B

## CONSUMER PROTECTION

= 9

### **DOL Officially Delays Obama-Era Fiduciary Rule**

The U.S. Department of Labor on Monday extended the transition period and delay of the so-called fiduciary rule for retirement account advisers, announcing that its provision requiring fiduciaries to promise to work in investors' best interests will not take effect until July 1, 2019. Read more »

= 9

### **Mulvaney Puts CFPB Regs On Hold Amid Leadership Brawl**

Office of Management and Budget Director Mick Mulvaney on Monday put in place a 30-day regulatory and hiring freeze at the Consumer Financial Protection Bureau, despite questions hanging over his appointment as acting director for the federal consumer finance watchdog. Read more »

= A

### **'No Assurances' For CFPB Deputy, But No Plans To Fire Yet = 9**

A government attorney said he knew of no plans Monday to fire the woman suing to block President Donald Trump's pick for the Consumer Financial Protection Bureau's top

Twitter Inc.

U.S. Chamber of Commerce

United Farm Workers

Wal-Mart Stores Inc.

## GOVERNMENT AGENCIES

Bureau of Indian Affairs

Bureau of Land Management

California Attorney General's Office

California Environmental Protection Agency

Committee on Foreign Investment in the United States

Consumer Financial Protection Bureau

Department of Commerce

Eastern Shoshone Tribe

= 9

European Commission

European Union

Executive Office of the President

Federal Bureau of Investigation

Federal Communications Commission

Federal Reserve System

Federal Trade Commission

Government Accountability Office

Internal Revenue Service

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New York Attorney General's Office

Northern Arapaho Tribe

Office of the U.S. Trade Representative

Pinoleville Pomo Nation

= 9

U.S. Attorney's Office

U.S. Coast Guard

U.S. Customs and Border Protection

spot, which she claims as rightly her own, but the attorney also told a D.C. federal judge he could offer "no assurances."= 2 Read more »

## = 9 INTERNATIONAL TRADE

= A

### **WTO Members Angle For Investment Development Talks**

As the World Trade Organization races to deliver concrete results at its ministerial summit next month, a group of 13 countries came forward Monday with a proposal to formally launch a new effort to use overseas investment as a tool for global development. Read more »

## **TAX**

= 9

### **Convicted Tax Dodger Warns Justices Of Prosecutorial Abuse**

Carlo Marinello, the convicted tax dodger whose petition to review a statute criminalizing the obstruction of federal tax laws was recently granted by the U.S. Supreme Court, told justices in a brief Wednesday that the government's "elastic interpretation" of the statute could call into question routine business decisions that Congress never intended to criminalize. Read more »

### **India Creates Task Force To Draft New Tax Legislation**

The Indian government has announced the creation of a task force to draft a new tax framework that incorporates the country's economic needs while keeping other nations' systems in mind. Read more »

## **IMMIGRATION**

### **U.S. Department of Homeland Security**

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. House of Representatives

U.S. Patent and Trademark Office

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U.S. Senate

U.S. Sentencing Commission

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U.S. Supreme Court

World Trade Organization

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### **= A Travel Ban Reports Should Stay Secret, Feds Tell 4th Circ.**

= 9Government attorneys cited classified material and executive privilege Friday as they pressed the Fourth Circuit not to review two reports submitted to President Donald Trump and referenced in his latest version of the hotly contested travel ban focused primarily on Muslim-majority countries. Read more »

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### **Enviros, Calif. Seek Quick Win On Trump's Border Wall Plans**

The state of California and several environmental organizations challenging the Trump administration's plans to waive environmental laws so it can move forward with its border wall project have urged the Southern District of California to give them a quick win in their consolidated cases. Read more »

## **NATIVE AMERICAN**

= 9

### **BIA Prevails In Spat With Calif. Group Seeking Tribe Status**

A California federal judge Monday tossed a suit against the Bureau of Indian Affairs by members of the proposed Ukiah Valley Pomo Indian Tribe, saying the agency reasonably found that the group was only a part of the federally recognized Pinoleville Pomo Nation and therefore couldn't vote to organize as a separate tribe. Read more »

### **Net Neutrality Comment Process, Investigation Take Flak**

Players on both sides of the net neutrality debate are reacting to suggestions that the Federal Communications Commission has mishandled millions of comments in its Restoring Internet Freedom proceeding, with a conservative think tank on Monday

suggesting that a New York attorney general investigation is "diversionary." [Read more »](#)

## TELECOMMUNICATIONS

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### **FCC Reform Would Threaten Lifeline Program, Clyburn Warns**

A Democratic Federal Communications Commission member warned on Monday that changes to the commission's Lifeline subsidy program for phone and internet service will cut off low-income Americans from critical services and deprive them of a path to economic empowerment. [Read more »](#)

### **Net Neutrality Hype Overblown, Title I Advocates Say**

= 9 Proponents of the Federal Communications Commission's planned vote to reclassify the internet as a Title I information service continued reacting to last week's draft order, with a former FCC commissioner saying Monday that the negative hype surrounding reversal of the Obama-era net neutrality protections is overstating harms to consumers. = 9 [Read more »](#)

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### **FCC Must Free Up More Licensed Spectrum, Think Tank Says**

A Maryland free market think tank on Friday urged the Federal Communications Commission to free up licensed spectrum for fixed wireless service in order to increase broadband access in rural areas. [Read more](#)

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## WHITE COLLAR

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### **DOJ Argues No Trump SoHo Hotel, No Emoluments Conflict**

The Trump Organization's plans to walk away from a Manhattan luxury hotel further undermine an ethics group's allegations that the building, which bears President Donald



Trump's name, violates the Constitution's "emoluments" ban on influence-peddling financial dealings, the U.S. Department of Justice told a New York federal judge Friday. [Read more »](#)

## PEOPLE

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### **White House Lawyer Returns To Cozen O'Connor**

A Philadelphia lawyer and fixture of Pennsylvania Republican politics has returned to Cozen O'Connor after 10 months in the White House and will again lead the firm's government and regulatory practice, the firm announced Monday. = 9 [Read more »](#)

## EXPERT ANALYSIS

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### **Proposals For Reform Under A New CFPB**

Once the dispute over appointment of the Consumer Financial Protection Bureau's new director is resolved, the first task for the new interim director will be to set a new and likely very different course for the bureau. Attorneys at WilmerHale discuss a variety of policy reforms the new director should implement. [Read more »](#)

### **Mueller's Options, Short Of Indictment**

Suppose special counsel Robert Mueller's investigation unearths evidence that falls short of the legal standard to indict but would likely be of great interest to the public and/or relevant to congressional committees. If appropriate, Mueller has several potential paths to the disclosure of the grand jury's evidence, says Ronald Levine, head of Post & Schell PC's white collar defense group. [Read more](#) = 2

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### **A Potential New Hurdle For Foreign Investments**

With the United States Foreign Investment Review Act recently introduced in the Senate, foreign investors, U.S. sellers and other concerned parties may soon be required to consider both the national security implications and the U.S. domestic economic impact of their proposed transactions, say attorneys with Morgan Lewis & Bockius LLP. [= 9 Read more »](#)

### **The State Of The Patent System: A Look At The Numbers**

Patent lawsuits continue to decline in the U.S., as venue takes a dramatic shift. Additionally, Section 101 invalidation rates remain at frightful levels that beg for legislative intervention, says David Kappos, a partner at Cravath Swaine & Moore LLP and former director of the U.S. Patent and Trademark Office. [Read more »](#)

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### **= 9 Financial Institutions Must Invest In FATCA Compliance**

The deadline for foreign financial institutions to sign up with the U.S. Internal Revenue Service's Foreign Account Tax Compliance Act registration system came and went last month. While deregulatory and tax reform efforts in Washington could eventually change FATCA enforcement, for the time being, failure to be in compliance can have serious implications, say attorneys with Burr & Forman LLP. [Read more »](#)

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### **Expiring Soon: Temporary BPA Warning Regs Under Prop 65**

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With the holidays and end of the year in mind, Robert Falk and Michael Steel of Morrison & Foerster LLP outline what food and beverage manufacturers and sellers should know before

the temporary safe harbor warning for Bisphenol A exposures under California's Proposition 65 expires at the end of next month. [Read more »](#)

## LEGAL INDUSTRY

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### **The 25 Law Firms Clients Say Provide The Most Value**

= 9 A select few law firms stand out in the minds of clients as providing the most value for the dollar, according to a report released Monday, a feat that requires the firms to not only deliver quality legal services to clients but also contribute to their business success. [Read more »](#)

= 9

### **The Firms That Give The Best Client Service**

Leading corporate counsel have named the 30 law firms that outperform all others in client service delivery regardless of size, practice offerings or location. Here are the top-ranked firms that enjoy 37 percent higher revenue growth and 33 percent higher client retention than the average law firm, according to a new report. [Read more »](#)

### **Cravath Sets Same Associate Bonus Bar As Last 2 Years**

Cravath Swaine & Moore LLP announced year-end associate bonuses Monday in line with those it has doled out the past two years, ranging from \$15,000 to \$100,000, and within hours at least two law firms had already matched the trendsetter, according to internal memos. [Read more »](#)

Analysis

### **15 Minutes With Petco's General Counsel**

A year ago, Alan Tse joined Petco Animal Supplies Inc. as its senior vice president, general counsel and corporate secretary.

Previously, he served as executive vice president, general counsel and corporate secretary for Churchill Downs, a company he said is most known for hosting the Kentucky Derby at its namesake racetrack in Louisville. [Read more »](#)

### **= 9 2 Firms Bolster Insurance Groups With Ex-Sedgwick Partners**

United Kingdom-based professional services firm RPC and Chicago-based BatesCarey on Monday both announced partner hires from two different Sedgwick offices, a week after the troubled San Francisco-based firm told employees it would close early next year. [Read more »](#)

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### **Pregerson's Legacy At 9th Circuit Is A Promise Kept**

The Ninth Circuit lost one of its most liberal judges when Harry Pregerson passed away Saturday at age 94, leaving a legacy of civic activism and highly principled court rulings that sometimes defied case law in favor of the judge's own moral compass, in keeping with a vow he'd made to the U.S. Senate during his confirmation hearing. [Read more »](#)

#### **JOBS**

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**Subject:** High Court Lets Third Version Of Travel Ban Take Effect

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Tuesday, December 5, 2017



## TOP NEWS

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### High Court Lets Third Version Of Travel Ban Take Effect

The U.S. Supreme Court on Monday allowed President Donald Trump's third travel ban to take effect for the time being, lifting blocks against the ban while the appeals process over the issue plays out. [Read more »](#)

= 9

### Senate Advances Trump's Homeland Security Secretary Pick

The U.S. Senate voted to advance President Donald Trump's pick for his second Homeland Security secretary Monday, setting former DHS chief of staff Kirstjen Nielsen up for a final vote later this week. [Read more »](#)

### Federal Tax Bills 'Fraud,' May Be Illegal: Dem Governors



[Listen to our new podcast here](#)

= 9

LAW FIRMS

Two Democratic governors and a governor-elect, from three populous states that voted for Hillary Clinton in the 2016 presidential election, excoriated Republican tax bills that have passed the House and Senate, saying their residents would be "devastated" and hinting at legal action. [Read more »](#)

Analysis

### **Renewable Cos. Eye Damage Control As Tax Plan Advances = 9**

The tax bill passed by the U.S. Senate on Saturday ratchets up anxieties for a renewable energy sector already concerned by the tax legislation that cleared the House last month, setting the stage for clean energy advocates to push for major rewrites during the reconciliation process. Here's a review of the energy impacts of both bills, as well as a preview of what the biggest energy-related fights will be as lawmakers attempt to craft unified legislation. = 9 [Read more »](#)

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Analysis

### **= A Targeted Bill Could Bring First Broad Changes To Dodd-Frank**

A Senate panel on Tuesday is set to mark up bipartisan legislation that would ease certain Dodd-Frank rules for community banks and shrink the number of big banks subject to tougher supervision, marking the first legislative effort to roll back post-financial crisis rules that has a potential path to success. [Read more »](#)

## **BANKING & SECURITIES**

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### **NYSE Seeks To Lower Required No. Of Investors For SPACs**

The U.S. Securities and Exchange Commission has requested public comment on a New York Stock Exchange proposal to ease rules on special-purpose acquisition

Adams and Reese

Akin Gump

Allen & Overy

Altshuler Berzon

Becker & Poliakoff

Bradley Arant

Bramnick Rodriguez

Bryan Cave

Cadwalader Wickersham

Capehart Scatchard

Cary Kane

Cleary Gottlieb

= A

Clifford Chance

Covington & Burling

Cravath Swaine

Davis Polk

Davis Wright Tremaine

Debevoise & Plimpton

Dechert

Doar Rieck

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Duane Morris

Earthjustice

FisherBroyles

Fox Rothschild

Freshfields

Fried Frank

Gibbons PC

Gibson Dunn

= 9

Greenbaum Rowe

Hogan Lovells

Jacob & Chiarello

= 9

Jones Day

King & Spalding

Kirkland & Ellis

Linklaters

companies, which include halving the minimum number of investors and adding a capital requirement to exempt SPACs from penny-stock rules. [Read more »](#)

## ENERGY & ENVIRONMENTAL

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### **Trump Shrinks Utah National Monuments By Millions Of Acres**

President Donald Trump on Monday cut millions of acres from Bears Ears and Grand Staircase-Escalante national monuments, claiming he was rectifying "abuses of the Antiquities Act" by prior administrations and prompting a lawsuit by environmental groups who said the president overstepped his authority. [Read more »](#)

### **Enviro Group Sues EPA For 'Stonewalling' On Pruitt Speeches**

= 9 An environmental group filed suit against the U.S. Environmental Protection Agency on Monday accusing it of breaching a deadline to hand over copies of speeches given by Administrator Scott Pruitt, arguing that the government's inaction violated public records law. = 9 [Read more »](#)

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### **Enviros Sue EPA To Administer Smog Reduction Rules**

A group of health and environmental organizations filed suit Monday in California federal court, seeking an order requiring Environmental Protection Agency administrator Scott Pruitt to designate areas of the U.S. subject to smog reduction requirements under 2015 regulations issued by the agency. [Read more »](#)

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### **NJ Panel Advances Bill To Set Aside VW Settlement Funds**

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McElroy Deutsch  
McGuireWoods  
Milbank Tweed  
Norton Rose Fulbright  
Orrick Herrington  
Paul Weiss

= 9

Proskauer Rose  
Reed Smith  
Ropes & Gray  
Shearman & Sterling  
Simpson Thacher  
Skadden  
Stoel Rives  
Weil Gotshal

= 9

Wilentz Goldman  
Willkie Farr  
Winston & Strawn

## COMPANIES

Alliance of Automobile  
Manufacturers  
Allscripts Healthcare Solutions Inc.  
Amazon.com Inc.  
American Bar Association  
American Civil Liberties Union  
= 9  
American Federation of Labor and  
Congress of Industrial  
Organizations  
American Federation of State,  
County and Municipal Employees  
American Federation of Teachers  
American Fuel & Petrochemical  
Manufacturers  
American Medical Association Inc.  
American Public Health  
Association  
American Thoracic Society

A New Jersey Assembly panel on Monday advanced legislation to establish a fund for settlement dollars obtained by the state through federal litigation against Volkswagen over the automaker's emissions cheating scandal, with the money to be used for air pollution control measures. [Read more »](#)

### **No Basis For Fuel-Efficiency Penalty Delay, 2nd Circ. Told**

Five Democratic state attorneys general and a trio of environmental groups doubled down on their request that the Second Circuit vacate the delay of an Obama-era rule raising penalties for automakers that don't meet fuel efficiency standards, arguing Friday that the move violated well-settled law. [Read more »](#)

= 9 MEDIA & ENTERTAINMENT

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### **Justices Cast Doubts On Federal Sports Betting Ban**

Several U.S. Supreme Court justices on Monday seemed open to overturning a federal law prohibiting states from authorizing sports betting, potentially signaling a big win for New Jersey in its yearslong fight to allow the activity. [Read more »](#)

### **EMPLOYMENT**

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### **DOL Proposes Rolling Back Obama-Era 'Tip Pool' Rule**

The U.S. Department of Labor on Monday proposed rolling back a rule that blocks employers from taking some service workers' tips to share with non-tipped staff, citing Supreme Court petitions regarding the controversial Obama-era rule and uncertainty about the agency's authority to issue it. = 9 [Read more »](#)

### **NLRB's New GC Puts Out List Of Policies To Be Reviewed**

American Tort Reform Association  
Apple Inc.

Bipartisan Policy Center

Cato Institute

Center for Biological Diversity Inc.

= 9

Cooper Tire & Rubber Co.

Environmental Defense Fund Inc.

Ernst & Young

Facebook

Federalist Society

Federation Internationale de

Football Association

Fiat Chrysler Automobiles NV

Global Automakers

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Google Inc.

Humane Society of the United States

Independent Community Bankers of America

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International Paper Co.

Ladies Professional Golf Association

Lyft Inc.

NFL Enterprises LLC

National Collegiate Athletic Association

National Employment Law Project

National Hockey League

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National Restaurant Association

National Women's Law Center

Natural Resources Defense Council

New York University

Public Broadcasting Service



The National Labor Relations Board's new top attorney took a step toward undoing many of the board's more controversial recent decisions Friday, asking the agency's regional offices to send him cases involving certain priority issues such as handbook rules and the scope of federal protections for workers' concerted activities. [Read more »](#)

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### **Seattle Insists Uber Union Law Immune From Antitrust Row**

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Seattle told the Ninth Circuit on Friday that its ordinance allowing drivers for ride-hailing companies Uber and Lyft to unionize is immune from antitrust challenges, and that the U.S. Chamber of Commerce's lawsuit against the collective bargaining law should be rejected. [Read more »](#)

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### **COMPETITION**

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### **Dems Want Past Mergers Reviewed For Impact On Jobs**

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A group of House Democrats on Monday introduced new legislation that would require antitrust enforcement agencies to study several mergers each year to understand the impact of the transactions on jobs and salaries, in addition to competition and consumer welfare. [Read more »](#)

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### **Aussie Watchdog To Eye Facebook, Google In Sector Review**

Australia's antitrust enforcer will open an investigation into whether Facebook, Google and other digital platform providers are using their market power to harm competition for

Service Employees International Union

Sierra Club

Starbucks Corporation

The Wilderness Society

Twitter Inc.

U.S. Chamber of Commerce

Uber Technologies Inc.

Volkswagen

### **GOVERNMENT AGENCIES**

Bureau of Land Management

California Air Resources Board

California Department of Justice

Consumer Financial Protection Bureau

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European Commission

European Union

Executive Office of the President

= 9

Federal Bureau of Investigation

Federal Communications Commission

Federal Deposit Insurance Corp.

Federal Financial Institutions Examination Council

Federal Reserve System

Federal Trade Commission

Government Accountability Office

Internal Revenue Service

= A

National Highway Traffic Safety Administration

National Labor Relations Board

Navajo Nation

New Jersey Attorney General's Office

New York Attorney General's Office

media and advertising, the government said Monday. [Read more »](#)

## CONSUMER PROTECTION

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### **Mo. Leads States' High Court Challenge To Calif. Egg Law**

= 9 Twelve states including Missouri urged the U.S. Supreme Court on Monday to end a "restrictive" California law requiring that eggs sold in the Golden State come from laying hens that have space to stretch out and turn around freely in their cages, according to Missouri Attorney General Josh Hawley. [Read more »](#)

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## GOVERNMENT CONTRACTS

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### **Senate Panel Gives GSA More Time On FBI Headquarters**

A Senate panel on Friday gave the U.S. General Services Administration an additional 60 days to deliver a plan to move the FBI out of its aging headquarters, after the agency had originally said a new relocation plan, replacing a yearslong effort that collapsed earlier this year, would come before the end of November. [Read more ½ B](#)

## INTERNATIONAL TRADE

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### **EU Finalizes Dumping Rules As China WTO Case Simmers**

The European Union's heads of state signed off on a suite of new trade remedy rules Monday in a move largely designed to head off a bombshell World Trade Organization complaint from China targeting Brussels for its treatment of Beijing in anti-dumping investigations. [Read more »](#)

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Office of Foreign Assets Control  
Office of the Comptroller of the Currency

Securities and Exchange Commission

Transportation Security Administration

U.S. Attorney's Office

U.S. Coast Guard

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U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. Environmental Protection Agency

U.S. General Services Administration

U.S. Senate

U.S. Supreme Court

Washington Legislature

World Trade Organization

## **WTO Data Shows Marked Decline In New Trade Restrictions**

World Trade Organization members are steadily backing away from imposing new trade barriers, the WTO reported Monday, offering more good news for observers who have expressed fear about the threat of protectionism to the multilateral system. = 9  
Read more »

## **TAX**

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### **House Takes Step Toward Final Tax Bill**

The House took a step toward arriving at a final tax bill Monday, setting up the process to reconcile the differences between the Senate-passed tax overhaul and the House's own bill passed last month. Read more ½ B

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### **Ireland, Apple Agree To Put \$15B In Escrow For Tax Dispute**

The Ireland Department of Finance announced it has reached an agreement with Apple Inc. to put nearly \$15 billion in escrow while its dispute with the European Commission over alleged unpaid taxes proceeds through the courts. Read more »

### **Tax Pros See 'Panic' As New Partnership Audit Regs Loom**

More time is needed to prepare for changes in federal partnership audit regulations that are set to take effect in four weeks, a conference of the nation's leading tax professionals was told Monday. Read more »

## **IMMIGRATION**

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### **Gov't Takes DACA Discovery Fight To High Court**

The government on Friday went to the Supreme Court in an attempt to put the brakes on discovery in a group of cases over the rollback of the Deferred Action for Childhood Arrivals program, claiming that the lower court's "sweeping expansion" of the record goes against high court precedent. Read more »

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### **Immigration A Key Issue As Federal Funding Deadline Looms**

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U.S. Senate leaders kicked off what could be a major showdown over federal spending Monday, saying they would pursue a federal funding bill without immigration provisions Democrats have said are a condition for keeping the government open. = 9 Read more »

## **TELECOMMUNICATIONS**

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### **Dems Slam FCC Handling Of Net Neutrality Comment Fraud**

New York's attorney general and a Democratic Federal Communications Commission leader spoke out Monday against apparent "stonewalling" from the agency in an investigation into millions of net neutrality comments filed with fraudulent identities, saying the FCC must address swirling uncertainty associated with the massive record. Read more »

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### **Democratic Senators Ask FCC To Delay Net Neutrality Vote**

= 9

A group of Democratic senators on Monday called on the Federal Communications Commission to put off voting later this month on whether to roll back net neutrality protections until the agency could investigate whether the proceeding had been tainted by

hundreds of thousands of fraudulent public comments. Read more » = 9

### **Hollywood Trades Barbs With FCC's Pai Over Net Neutrality**

Hollywood celebrities including actors Alyssa Milano and Mark Ruffalo continued to battle with Federal Communications Commission Chairman Ajit Pai on Twitter over the weekend over his expected rollback of net neutrality rules, raising questions about comments allegedly submitted to the agency via Russian email addresses. Read more »

### **WHITE COLLAR**

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### **Mueller Cites Gag Order Plot In Manafort House Arrest Fight**

Indicted Trump campaign manager Paul Manafort was ghostwriting an editorial about his Ukrainian lobbying work despite a judge's gag order barring statements to the media, Special Counsel Robert Mueller's office said in a Monday court filing seeking to keep Manafort on house arrest. Read more »

### **PEOPLE**

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### **Fox Rothschild, Duane Morris Partners Tapped For NJ Bench**

A Fox Rothschild LLP labor and employment partner and a Duane Morris LLP litigation partner were among 19 attorneys tapped by Gov. Chris Christie for New Jersey judgeships, according to a Monday announcement from the governor's office of appointments filed with the Secretary of State. Read more »

= 9 EXPERT ANALYSIS

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Opinion

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### **Trump's Contraception Rules Suffer From Fatal Legal Flaws**

= 9 As the comment period comes to a close Tuesday for the Trump administration's interim final rules on contraception, the administration will start preparing final regulations — risking access to birth control coverage under the Affordable Care Act for thousands of women, says Nancy Northup, CEO of the Center for Reproductive Rights. [Read more »](#)

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### **Putting China's Fair Competition Review System Into Action**

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Five competition-related authorities recently issued another "top-level design" for promoting implementation of China's Fair Competition Review System, which should contribute to achieving the Chinese government's goals of regulating the activities of government agencies and maintaining fair competition in markets, say Shelley Zhang and David Goldstein of Orrick Herrington & Sutcliffe LLP. [Read more »](#)

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### **5 Things US Cos. Should Know About Labor Reform In France = 9**

The French government recently unveiled administrative orders setting out details of the reform aiming to revise French employment law. Now, with 2018 upon us, U.S. companies operating businesses in France need to be prepared for the implementation of those changes, say Severine Martel and Marie Brunot of Reed Smith LLP. [Read more »](#)

= 9

### **New Burma Act Would Hinder US Investment In Myanmar**

Some experts estimate that the Burmese military controls up to 50 percent of the country's economy, and that an additional 20 percent is controlled by individuals and entities targeted under separate sanctions programs. As a practical matter, enactment of the Burma Act of 2017 would mean that a significant

portion of Myanmar's economy would be off-limits to U.S. investors, say members of Ropes & Gray LLP. [Read more »](#)

## LEGAL INDUSTRY

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### Analysis

#### **How To Tell If You're Dealing With Burnout**

A general sense of malaise and unhappiness can set in when lawyers overextend themselves, are repeatedly bombarded with stressful situations, or fail to create a balance between work and the rest of their lives. Here, mental health professionals offer a guidebook for lawyers on how to identify whether that sense of dissatisfaction is actually burnout. [Read more »](#)

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#### **Akin, Ropes Offer Variations On Cravath Bonuses**

= 9 Akin Gump Strauss Hauer & Feld LLP and Ropes & Gray LLP have each revealed that they will award year-end bonuses to U.S. associates with slight variations to the scale established by Cravath Swaine & Moore LLP, which has largely held sway over BigLaw firms since it was announced Nov. 28. [Read more »](#)

#### **McGuireWoods Taps 1st African-American Chair In Its History**

McGuireWoods LLP on Monday said litigator Jonathan P. Harmon will take over as chairman of the firm, succeeding a man who held the position for more than a decade and becoming the first African-American to hold the post in firm history. [Read more »](#) = 9

#### **15 Minutes With The AMA's General Counsel**

Brian D. Vandenberg took over as general counsel and senior vice president of the American Medical Association in February, bringing to the role a background in working for

companies at the intersection of health and innovation. [Read more »](#)

#### **4 Changes To The Senate Tax Bill You May Have Missed = 9**

In a rush to pass its \$1.4 trillion tax cut bill early Saturday, the Senate made several last-minute changes to major provisions to win over holdouts, but it also included less-publicized changes affecting the tax treatment of Ninth Circuit lawyers, sports leagues and universities. Here are details on four under-the-radar changes that were made to the Senate tax bill. [Read more »](#)

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December 19, 2017

Dear Speaker Pro Tempore Schuring,

As Chairman of We Are Ohio, I am writing to ask you not to sign on as a co-sponsor to Representative John Becker's anti-worker legislation and to oppose Rep. Becker's efforts to hurt working families in your district and across Ohio.

Rep. Becker, we believe, is pursuing an anti-worker agenda pushed by out-of-state interests like the Koch brothers, Americans for Prosperity and the American Legislative Exchange Council (ALEC).

He has outlined six separate constitutional amendments that are all designed to hurt workers, lower wages, decrease safety in the workplace and cause further economic insecurity for the people that you serve.